


FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 6/8/73	INVESTIGATIVE PERIOD 4/26/73 - 6/6/73
TITLE OF CASE DANIEL ELLSBERG; ANTHONY JOSEPH RUSSO, JR.		REPORT MADE BY 	TYPED BY (1sk)
		CHARACTER OF CASE CONSPIRACY; TGP; ESPIONAGE	

REFERENCE: Bureau telephone call to Los Angeles on 6/1/73, setting forth requirements for this report.

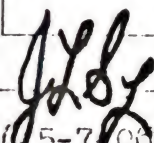
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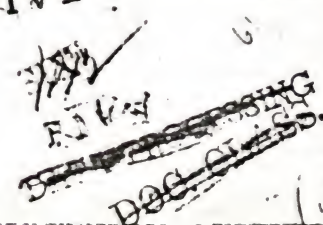
ENCLOSURETO BUREAU

NOTE - 1001
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JRM

Enclosed for the Bureau are five copies of a letterhead memorandum (LHM) dated and captioned as above.

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: DATE: <u>5/19/73</u> PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC	FUG.	FINES	SAVINGS	RECOVERIES			

APPROVED 	SPECIAL AGENT IN CHARGE ENCLOSURE	DO NOT WRITE IN SPACES BELOW
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of:

Date:

Office: Los Angeles, California

Field Office File #: 105-27952

Bureau File #: 65-74060

Title: DANIEL ELLSBERG;
ANTHONY JOSEPH RUSSO, JR.Character: CONSPIRACY; THEFT OF GOVERNMENT PROPERTY;
ESPIONAGE

Synopsis:

On 4/27/73, Judge WILLIAM MATTHEW BYRNE, JR., USDC, Los Angeles, orders complete investigation into alleged burglary of ELLSBERG'S psychiatrist's office by LIDDY and HUNT. Attempts to interview Dr. FIELDING, the psychiatrist, set forth. FIELDING'S affidavit to the court set forth alleging burglary was committed 9/3-4/71. Cleaning personnel at FIELDING'S Office provide information linking two Cuban males to burglary. Details of Beverly Hills Police Department (BHPD) investigation of burglary set forth. BHPD obtained confession of ELMER DAVIS to burglary. DAVIS recants confession and refuses interview by FBI. FBI Laboratory unable to identify latent fingerprint found at scene. LIDDY and HUNT placed in Los Angeles 8/25-26/71, and 9/2-4/71. HUNT, LIDDY, MARTINEZ and BARKER refuse to talk to FBI. FELIPE DE DIEGO submits affidavit admitting participation in burglary with HUNT, LIDDY, MARTINEZ and BARKER. HUNT'S Grand Jury testimony with complete admissions set forth. FBI inventory of HUNT'S safe set forth. Interviews of individuals associated with "Special White House Unit" set forth. EGIL KROGH and DAVID R. YOUNG refuse interview by FBI. KROGH'S affidavit to court set forth. Individuals interviewed are: CHARLES W. COLSON, JOSEPH BAROODY, JOHN D. EHRLICHMAN, H. R. HALDEMAN, JOHN W. DEAN, JON M. HUNTSMAN and BRUCE KIERLI. Statements by Prosecutor DAVID NISSEN and former Assistant A. G. ROBERT MARDIAN deny any knowledge of LIDDY or HUNT'S activities. CIA assistance to HUNT including affidavit of

LA 105-27952

TO WASHINGTON FIELD

Enclosed for Washington Field are two copies of a letterhead memorandum (LHM) dated and captioned as above. The LHM sets forth information from Central Intelligence Agency (CIA) files concerning relations with JAMES W. MC CORD, E. HOWARD HUNT, G. GORDON LIDDY, et al.

ADMINISTRATIVE

The LHM is classified "Secret" in accordance with CIA request.

The information is being set forth in LHM form in accordance with instructions contained in Bureau Routing Slip to Los Angeles dated 6/4/73.

The transcript of HUNT'S testimony before the Watergate Grand Jury was obtained from Judge WILLIAM MATTHEW BYRNE'S clerk with BYRNE'S permission. It is being set out in the body of this report as it became a public record once it was turned over to the defense attorneys. The transcript was retyped as Los Angeles's original copy was partially illegible.

EGIL KROGH'S affidavit and the memorandum for the record reflecting a summary of CIA assistance to HUNT, were also obtained from Judge BYRNE'S clerk and are public records. This latter document was also retyped as the original was partially illegible.

The transcript of Judge BYRNE'S ruling on dismissal is set forth in its entirety to show its broadness.

The allegation that HUNT and LIDDY had visited the law office of MORTON B. JACKSON on 9/3/71, as set forth in Section II of this report, was obtained from interview of [REDACTED] on 7/3/72.

[REDACTED]

The affidavits filed by DAVID NISSEN, WARREN RESSE, RICHARD BARRY, JOHN MARTIN, et al, with Judge BYRNE as set forth in Section V of this report are not available to the Los Angeles Office as they were received by Judge BYRNE in camera. If the Bureau deems them pertinent, copies of these affidavits can probably be obtained from the Department of Justice.

On 6/5/73, Los Angeles County District Attorney JOSEPH BUSCH advised that he is under court orders not to reveal any testimony heard in the on-going Los Angeles County Grand Jury inquiries into burglary of Dr. FIELDING'S office.

Los Angeles "Times" reporter, [REDACTED] is covering the progress of the Los Angeles County Grand Jury in this matter. [REDACTED] was jailed on contempt charges arising from the CHARLES MANSON trial. All attorneys in that case were prohibited by trial judge from discussing the case with the press. [REDACTED] wrote a story quoting an unnamed attorney as furnishing new information of other murders by MANSON. [REDACTED] refused to disclose his source and was jailed for contempt. He is currently free on appeal.

[REDACTED] quotes sources "Close to the District Attorney's Office" as the basis for his news articles on the current Grand Jury.

LEADS

Information copies of this report are being furnished to Boston and New York in the event future investigation is required of these offices.

Los Angeles will follow results of Los Angeles County Grand Jury proceedings and will promptly advise Bureau of any new developments.

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General ROBERT E. CUSHMAN set forth. Court learns of over hear of ELLSBERG on 5/10/73. Court orders relevant to this development set forth. Judge BYRNE dismisses charges 5/11/73. Complete transcript of BYRNE'S ruling set forth. Pertinent news articles attached as addendum to this report.

- P -

*Watersgate
plumbers
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see pages



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B. Dismissal

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I. BASIS OF INVESTIGATION

Trial of ANTHONY J. RUSSO, JR., and DANIEL ELLSBERG commenced on January 17, 1973, before United States District Judge WILLIAM MATTHEW BYRNE, JR., United States District Court for the Central District of California, Los Angeles, California.

On April 27, 1973, Judge BYRNE read in open court outside presence of jury, a United States Government Memorandum which had been delivered to him by Government Prosecutor, DAVID R. NISSEN on April 26, 1973.

This memorandum is set forth in its entirety as follows:

"Department of Justice

"To: Honorable Henry E. Peterson
Assistant Attorney General
Department of Justice

"Date April 16, 1973

"From: Earl J. Silbert
Principal Assistant
United States Attorney

"Subject: DANIEL ELLSBERG Prosecution

"This is to inform you that on Sunday, April 15, 1973, I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg. The source of the information did not know whether the files had any material information or whether any of the information or even the fact of the burglary had been communicated to anyone associated with the prosecution."

Judge BYRNE then issued the following instructions to Prosecutor DAVID NISSEN as Court Orders:

The Court requested the government to supply all the facts known to the government, which could be made known to the government by investigation, of the occurrences of the alleged burglary, regarding who was burglarized. The Court ordered that the government supply all the facts obtained by EARL J. SILBERT and by anyone else regarding the burglary, the source of information to SILBERT and all the facts surrounding the occurrence of the burglary, as to time, place and whose office it was and what material is known to have been taken. The Court said if the information was obtained by Grand Jury testimony, the Court wanted to be advised of that so the Court could make the appropriate arrangements for the release of the Grand Jury testimony in Washington, D.C. The Court also wanted the government to supply all facts regarding the status of the alleged perpetrators of the alleged burglary, that is, whether at the time of the burglary, were they employees of the government and if not, who they were employed by and any information that the government may have to identify under whose direction G. GORDON LIDDY and E. HOWARD HUNT or anyone else may have been working in the alleged incident.

The Court also ordered turned over all facts regarding what, if anything, was taken, copied or reviewed during the break in and the government to immediately provide all information it had regarding the contents of any document or any material or any information which may have been taken in the alleged burglary and provide all information it has, or anyone involved in the burglary investigation has, regarding the use of any information or documents it may have been aware of, which information or document was obtained, as a result of the alleged burglary, by anyone involved in the investigation; information or documents that may have been obtained in this alleged burglary and, if the government has any information or documents, what use of the information or documents was made by anyone involved in the investigation or prosecution of these defendants, DANIEL ELLSBERG and ANTHONY J. RUSSO, JR., in this case or of any case involving the Pentagon Papers or related documents or related subject matter. The Court said this would also

extend to the use by anyone involved in the preparation of the prosecution of the case, from the decision to prosecute, to presentment of the indictment and through the trial thus far.

The Court said that like the inquiry ordered before, regarding electronic surveillance, the government has a duty to make a good faith search of all government agencies which may be aware of any information obtained as a result of the alleged burglary. The Court also stated it wanted the information "forthwith". It did not want the government to institute a large scale investigation, consuming a number of days and thus holding up the trial. The Court wanted the results immediately.

On Monday, April 30, 1973, the government advised the Court that Court orders were being complied with. The Court advised it did not want to hear what the government was doing, but what the results are and the Court ordered Prosecutor NISSEN to determine what the Department of Justice was doing about fulfilling the Court's orders, and to make information or answers, now available, known to the Court, in camera. It further ordered the government to immediately furnish information the government had of the alleged break in and the fruits of the alleged break in.

The Court also asked the defense to tell the Court, in camera, what discussions, if any, ELLSBERG had with his psychiatrist that might touch on the case, that the defendants consider providing it to the Court in camera so that the Court could inspect psychiatric records. The defense declined.

The Court also advised the government that electronic surveillance information should also be part of his earlier orders, regarding the burglary, and the electronic surveillance check should include electronic surveillance by the Committee to Reelect the President.

The Court also ordered the government to contact Washington, D.C., to learn when the investigation material he had ordered or what portion thereof, would be supplied for his initial review.

There followed a discussion between the government and the Court regarding the scope of the Court's orders.

The Court then stated it wanted all of the information the prosecution might have received during its investigation of the Pentagon Papers Case, ELLSBERG or RUSSO of any connection with that performed either from an official investigative agency of the government or from any nonofficial investigative agency or investigation performed by the government and also wanted all information regarding all leads developed in any other type of investigation that was performed in this case or any other case regarding the Pentagon Papers, ELLSBERG or RUSSO.

The Court also said it wanted to know what other information the government might have regarding LIDDY and HUNT and what also they might have done with respect to this case or to the defendants or the Pentagon Papers.

Despite vigorous defense objections to the contrary, Judge BYRNE ordered the trial continued while this investigation was being conducted.

On April 30, 1973, the government advised the Court that Court orders were being complied with.

On May 4, 1973, the Court ordered electronic surveillance coverage of any national security taps on White House employees or reporters.

On May 7, 1973, the Court ordered all information available to the government regarding the group known as the, "Plumbers."

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II. BURGLARY INVESTIGATED

This investigation was predicated on the allegation that a burglary had transpired during the Labor Day weekend 1971, at the office of Dr. LEWIS J. FIELDING, 450 North Bedford Drive, Beverly Hills, California.

The following concerns attempts to interview Dr. FIELDING by representatives of the FBI, Dr. FIELDING'S affidavit given to Defense Counsels, and FBI contact with Detective [REDACTED] Beverly Hills Police Department: [REDACTED]

1Date of transcription 5/1/73

"Los Angeles Times" issue Friday, April 27, 1973, Page 1, contains an article by GENE BLAKE in which he states, "ELLSBERG declined to identify his psychiatrist, saying it was a matter of privacy. However, he said the office presumably was located in Los Angeles.

He said he had talked to the psychiatrist today and that the psychiatrist was unaware that a burglary had taken place."

Interviewed on 4/27/73 at Los Angeles, California File # Los Angeles 105-27952

by [REDACTED] -15- [REDACTED] Date dictated 5/1/73

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/1/73

A telephone call was placed to the office of Dr. LEWIS J. FIELDING, 450 North Bedford Drive, Beverly Hills, California (telephone 275-2747). An unidentified female, stating she was from Dr. FIELDING's answering service, advised that Dr. FIELDING was not in his office. She was advised that [REDACTED] wished to speak to Dr. FIELDING regarding a reported burglary of his office by individuals involved in the Watergate trial regarding his patient Dr. DANIEL ELLSBERG.

The unidentified female advised she would get the message to Dr. FIELDING.

Interviewed on 4/30/73 at Los Angeles, California File # Los Angeles 105-27952

by [REDACTED] JEB -16- [REDACTED] Date dictated 5/1/73

1Date of transcription 5/1/73

Mr. IRVING SHIMER, who identified himself as an attorney representing Dr. LEWIS J. FIELDING, telephonically advised that the request of [REDACTED] to speak to Dr. FIELDING had been referred to his office. He stated he is connected with the law firm of Swerdlow, Glikbarg and Shimer, United California Bank Building, Suite 544, Wilshire and Camden, Beverly Hills.

Mr. SHIMER was advised that at the request of the Attorney General, the FBI was conducting an investigation to resolve a report that G. GORDON LIDDY and E. HOWARD HUNT, JR. had burglarized the office of Dr. DANIEL ELLSBERG's psychiatrist on an unspecified date.

Mr. SHIMER advised that Dr. FIELDING's office had been burglarized over the Labor Day weekend, 1971, and that Dr. FIELDING had given full information concerning the burglary in an affidavit to Dr. ELLSBERG's defense attorneys. In addition, Mr. SHIMER stated that the Beverly Hills Police Department had made a complete investigation of the burglary at the time it occurred which included an interview of Dr. FIELDING at that time.

Mr. SHIMER was advised that the FBI was deeply interested in speaking directly with Dr. FIELDING for any other recollections he may have of the robbery or any other suspicions he may have of other burglaries of his office. Mr. SHIMER was advised that a news article in the April 30, 1973, edition of the "Los Angeles Herald Examiner" had stated that one ELMER DAVIS had been arrested and convicted for the burglary of Dr. FIELDING's office. Mr. SHIMER stated that Dr. FIELDING had never been advised of that arrest by Beverly Hills Police Department.

Mr. SHIMER concluded by stating that he would contact Dr. FIELDING and try to arrange an early interview of Dr. FIELDING with the FBI.

Interviewed on 4/30/73 at Los Angeles, California File # Los Angeles 105-27952
by [REDACTED] /JEB -17- [REDACTED] Date dictated 5/1/73

1

Date of transcription 5/1/73

Attorney IRVING SHIMER representing Dr. LEWIS J. FIELDING, was telephonically contacted at 9:00a.m. and was requested to advise if he was able to arrange an interview of Dr. FIELDING by the FBI.

Mr. SHIMER advised that Dr. FIELDING has been besieged by telephone calls and requests for interviews since the news of the burglary of his office became known and is very harassed. Mr. SHIMER stated that Dr. FIELDING has really nothing further to add to facts surrounding the burglary other than what he stated in his affidavit to Dr. ELLSBERG's defense attorneys and to the Beverly Hills Police Department.

Mr. SHIMER was again advised that the FBI would like to speak personally with Dr. FIELDING in an effort to learn from Dr. FIELDING any minute details he may have not reported or any suspicion he may have of possibility of other break-ins of his office. Mr. SHIMER stated that Dr. FIELDING has reported all he knows and Dr. FIELDING has advised him that the Labor Day, 1971, burglary was the only occasion that his office was ever burglarized.

Mr. SHIMER further advised that it is his understanding that Dr. ELLSBERG's defense attorneys are filing additional affidavits on this date from the cleaning people who were in Dr. FIELDING's office building on the night of September 3, 1971. He stated that the original account furnished by one of the cleaning personnel, EFRAIN MARTINEZ, was in error due to language difficulties. Mr. SHIMER stated that apparently MARTINEZ had originally reported that he admitted two individuals into Dr. FIELDING's office during that evening, however it was actually MARTINEZ' mother, who works with him, that admitted these two individuals.

Mr. SHIMER stated that Dr. FIELDING is certain that his office was burglarized with the intent to obtain the file on Dr. ELLSBERG as Dr. ELLSBERG's papers had been removed from his folder. According to Mr. SHIMER, Dr. FIELDING feels

Interviewed on 5/1/73 at Los Angeles, California File # Los Angeles 105-27952

by [REDACTED] /JEB -18- [REDACTED] Date dictated 5/1/73

that the other doctor's office that was broken into that night in the same building was done in order to get out of the building as the outer doors are locked and can only be opened from the inside by a key.

Mr. SHIMER emphasized that Dr. FIELDING has told all he knows about the burglary and that further interview of Dr. FIELDING would be unproductive, unnecessary and not desirable by Dr. FIELDING unless absolutely imperative.

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16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,)

19 Plaintiff,)

20 vs.)

21 ANTHONY JOSEPH RUSSO, JR.,)
22 DANIEL ELLSBERG,)

23 Defendants.)

24 STATE OF CALIFORNIA,)

25 COUNTY OF LOS ANGELES)

ss.

NO. 2372-WMR-CN

AFFIDAVIT OF LEWIS J. FIELDING, M.D.

26 I, LEWIS J. FIELDING, being duly sworn depose and say:

27 I am a psychiatrist licensed to practice medicine in
28 the State of New York in 1937 and in the State of California in
29 1949. My office is located at 450 North Bedford, Beverly Hills,
30 California.

31 I am and have been since 1938 a psychiatrist; since
32 1949 I have specialized in psychoanalysis. I am certified in
both psychiatry and neurology. I am a member of the American
Psychiatric Association, the American Psychoanalytical Association,
the American Medical Association and other professional
organizations.

For some time prior to July, 1971, Dr. Ellsberg was

one of my patients.

On July 20, 1971, at approximately 10:30 a.m. there was a knock on the door of my office leading from the waiting room to the consultation room. Upon responding I found two men who stated that they were agents from the Federal Bureau of Investigation and showed me their official identification cards. One of them was Richard C. Kilcourse; the other agent gave his name but I did not take particular notice of it. The agents stated that they wished to talk to me. They advised me that they wished to talk to me about Dr. Ellsberg. I told them that I could not have any discussions with them until I consulted my lawyer. They departed with the understanding that I would telephone Mr. Kilcourse to advise him of my decision.

On July 22, 1971, after consultation with my attorney, I decided that I should not discuss my patient or his affairs and asked my attorney to so advise Mr. Kilcourse.

On July 26, 1971, I received a telephone call from a Mr. Morehead, who described himself as an F.B.I. agent. I believe, although I am not positive, that he was the agent who accompanied Mr. Kilcourse on the July 20, 1971 visit with me. Mr. Morehead asked me what decision I had reached with respect to the agents' request of July 20, 1971 for a discussion with me about my patient. I told him that my attorney had contacted Mr. Kilcourse concerning my decision. Mr. Morehead then told me that Mr. Kilcourse was no longer on the case. Accordingly, I gave Mr. Morehead my attorney's name and telephone number and I am advised that Mr. Morehead or some other representative of the F.B.I. communicated with my attorney and was told of my decision.

On Saturday, September 4, 1971 at approximately 9:00 p.m., during the Labor Day weekend while I was at my home, I was

1 telephoned by Officer Bottleman of the Beverly Hills Police
2 Department. Officer Bottleman informed me that my office had
3 been broken into and that a police officer was present in
4 my office checking into the matter.

5 I called Mr. Wakeman, the general manager of the build-
6 ing, and he suggested that I come to the building. I drove
7 down to the office with my wife, Elizabeth, and found my
8 papers and records strewn about. A police officer, a Mr.
9 Brickley, Shield #603, of the Beverly Hills Police Department,
10 was present and was checking the office for fingerprints.

11 I observed that the locks on my office doors had been
12 pried open and that the wood part of the door near the lock
13 had been hacked away. I also observed that the locks on my
14 wood cabinet and on my steel filing cabinet behind it had
15 also been pried open and bent completely out of shape. These
16 cabinets contained information and records concerning my
17 patients including Dr. Ellsberg. The files in my cabinet
18 were in considerable disarray. My personal papers, including
19 those pertaining to Dr. Ellsberg, appeared to have been thor-
20 oughly rummaged through.

21 I then learned some of the facts as to the actual break-
22 in from Mr. Efrain Martinez, the cleaning man. He told me the
23 following story in the presence of my wife, Elizabeth, the
24 maintenance superintendent, Mr. J.C. Boone, and Officer Brickley:
25 On the previous night, September 3, while Mr. Martinez was at
26 his night job at about 11:00 p.m. cleaning up the building, two
27 men arrived at the building. Mr. Martinez said that they were
28 wearing uniforms, somewhat like those of a postman or United
29 Parcel Post delivery man and they were carrying a large suitcase.
30 He said that they talked in an accent which he recognized to
31 be Cuban and that he would know such an accent. They told him
32 that they were supposed to deliver the suitcase to me. While Mr.

1 Martinez thought this somewhat unusual, he permitted them to
2 enter my office and believed that they had left the suitcase
3 in my office.

4 I, of course, had made no arrangements for that or
5 any other delivery. I had expected no suitcase and found no
6 suitcase on my arrival at my office in response to the call
7 from Officer Bottleman.

8 As I looked over the office I attempted to do some re-
9 arranging. I could not tell what was missing, although the
10 incoming Saturday mail which was usually neatly stacked on
11 my desk by the cleaning people was not there and never turned
12 up. My wife and I left the office at approximately 10:45 p.m.
13 in considerable distress.

14 I contacted the Beverly Hills Police Department several
15 weeks later to find out if they had any further information
16 regarding the break-in. I was advised that they did not. With
17 this exception, from the time of the break-in until the present,
18 I have not been contacted by anyone nor have I contacted anyone
19 (with the exception of my counsel whom I spoke with immediately
20 after the weekend of the break-in) regarding this matter until
21 Friday, April 27, 1973.

22 On that day, Dr. Ellsberg telephoned my office and
23 informed me that the Court had informed him of a Government
24 report of a break-in at the office of a psychiatrist of Dr. Ells-
25 berg. I could not speak to Dr. Ellsberg in any detail at
26 that time since I was with a patient. Later that day when Dr.
27 Ellsberg telephoned me again, I confirmed the fact of the break-
28 in.

29 The next day I received a telephone call from Dr. Ellsberg
30 and his counsel, Leonard B. Boudin. Mr. Boudin requested a
31 meeting with me and such a meeting occurred in my attorney's
32 office on Saturday afternoon, April 28, 1973. The meeting was

1 attended by my attorneys, Harry B. Swerdlow and Irving A.
2 Shimer, Mr. Boudin, Dr. Ellsberg and myself at which time I
3 related the foregoing facts.

4
5
6 Lewis J. Fielding
LEWIS J. FIELDING, -M.D.
7

8 Subscribed and sworn to before
9 me this 29th day of April, 1973.
10

11 [Signature]
12 Notary Public in and for Said County
13 and State.
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1

Date of transcription 5/2/73

Detective [REDACTED], Beverly Hills Police Department, Beverly Hills, California; advised as follows:

On April 30, 1973, [REDACTED] was in telephonic contact with Dr. LEWIS J. FIELDING, 450 North Bedford Drive, Beverly Hills, California, regarding a burglary occurring at the above location on September 3 - 4, 1971.

[REDACTED] provided a written record of his conversation with FIELDING, a copy of which he provided and is attached.

Interviewed on 5/1/73 at Beverly Hills, California File # Los Angeles 105-27952
by [REDACTED] and ML MLH -25- Date dictated 5/2/73

SECRET

2 105-27952

FOLLOW UP

714604

4-30-73 1400 HRS

13. CODE SECTION	14. NAME	15. CLASSIFICATION	16. ADDRESS	17. RESIDENCE	18. BUSINESS	19. PHONE
	VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS)		450 N. BEDFORD DR #212			275-6682

V-2 FIELDING, LEWIS J. M.D.

450 N. BEDFORD DR #212 - 275-2747

R/O WAS CONTACTED BY V-2 ON THIS DATE (4-30-73) IN REGARDS TO THE ABOVE REPORTED ENTRY ON 9-3 TO 9-4-71. R/O HAD ATTEMPTED TO CALL V-2 AT 0900 HRS. THRU TELEPHONE CALL SERVICE, LEAVING A MESSAGE FOR V-2 RETURN THE CALL.

V-2 STATED THAT FOLLOWING THE ABOVE REPORTED ENTRY HE CHECKED AND FOUND NO INDICATION TO BE MISSING. NOT DISTURBED. V-2 FURTHER STATED THAT THERE HAD BEEN NO UNWANTED ENTRY INTO HIS OFFICE SINCE 9-3-71. V-2 ALSO STATED THAT THERE HAD BEEN NO UNLAWFUL ENTRY INTO HIS OFFICE DURING 1971 PRIOR TO 9-4-71.

- 2 -

REPORTING OFFICER 105-27952 377	RECORDING OFFICER JANIE	TYPED BY	DATE AND TIME 4-30-73 1400
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COMES TO <input type="checkbox"/> DETECTIVE <input type="checkbox"/> GII <input type="checkbox"/> AVENUE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST ATTNY <input type="checkbox"/> OTHER <input type="checkbox"/> SO P.D. <input type="checkbox"/> OTHER		PAGE 1 OF 1 REVIEWED BY	

CAL JUD CH 22

LA 105-27952

The following section contains a record of FBI interviews of employees at the building occupied by Dr. FIELDING concerning alleged burglary and matters relevant thereto:

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 5/2/73

EFRAIN JUAREZ MARTINEZ, 6253 Wilbur Avenue, Reseda, California, was advised in English and in Spanish by [REDACTED] of the identity of the interviewing Agents and the nature of the interview. MARTINEZ was interviewed in English and Spanish inasmuch as he stated that his English at times was not adequate. MARTINEZ, a white male, advised he is a [REDACTED]

[REDACTED] MARTINEZ furnished the following additional descriptive data concerning himself:

Occupation	Janitor
Present Employer	Wallace Janitor Service Reseda, California

MARTINEZ then voluntarily furnished the following information concerning activity which took place on the nights of September 3 - 4, 1971, at his place of employment:

During 1971 MARTINEZ was employed as a janitor at two office buildings located at 435 and 450 North Bedford, Beverly Hills, California. On September 3, 1971, he started his work at 6:00p.m. at 435 North Bedford, and subsequently moved over to 450 North Bedford at about 10:30p.m. that evening. Upon entering 450 North Bedford, he noticed the front door was unlocked and open. At this time MARTINEZ added that each building tenant has a key with which to gain entrance; however, sometimes the door is left unlocked after tenants enter, so he, MARTINEZ, was not concerned at finding the building open. Immediately after entering the building he observed two male individuals walking down the building's back staircase from the second floor to the first floor. As these men saw MARTINEZ, one or both individuals said, "Como Esta?" (How are you?), and MARTINEZ answered, "Bien" (Well). By speech accent and appearance, MARTINEZ could tell that these men were not Mexican, but

Interviewed on 5/1/73 at Reseda, California File # Los Angeles 105-279

by [REDACTED] DRS/JEB -28- Date dictated 5/2/73

were either Cuban or Puerto Rican. They passed him in the hall and as they were going out the front door of the building said, "Buenas Noches" (Good night). MARTINEZ observed that these men were carrying nothing. Although MARTINEZ did not get a good look at the two individuals exiting the building, he furnished the following description of the individuals as he best remembers:

Individual Number One:

Sex	Male
Race	White
Age	Approximately 30 years
Height	Approximately 5'8"
Weight	Approximately 170 pounds
Clothing	Black pants and white short-sleeved shirt. Hair and eyes unobserved
Characteristics	Clean-shaven, no glasses and wearing round, black-rimmed hat.

Individual Number Two:

Very closely resembled individual number one.

MARTINEZ did not follow these men out of the building, but because he was curious as to what they might have been doing there, he proceeded upstairs to the second floor where his mother, MARIA JUAREZ-MARTINEZ, approximately 62 years old, who is his helper, was cleaning at Dr. FIELDING's office. MARTINEZ advised that Dr. FIELDING is a psychiatrist. MARTINEZ asked his mother what the two men were doing in the building and she advised him that they left a suitcase in Dr. FIELDING's office for the doctor. MARTINEZ was then shown the suitcase by his mother and he described it as being about two and one half feet long by 18" by 14" with a handle on top and very dark blue to almost black in color. MARTINEZ also indicated that the suitcase could possibly have had an approximately three inch wide white vertical line around the middle of the suitcase from top to bottom. The suitcase was left by the men in front of Dr. FIELDING's desk on the floor. Neither EFRAIN nor his mother examined the contents of the suitcase.

MARTINEZ advised that while in conversation with his mother she had indicated to him that before he, MARTINEZ, had arrived on the second floor, the two unknown male individuals had knocked on the doctor's office door and stated to Mrs. MARTINEZ that they had a suitcase for the doctor, and that they wanted to leave the suitcase in the hall. However, according to MARTINEZ, his mother indicated to the men that they should bring the suitcase inside the office, because it was not safe in the hallway. Mrs. MARTINEZ also indicated to her son that the men talked to her in Spanish and that they had told her they were postal employees.

On the evening of September 4, 1971 at about 11:00p.m. EFRAIN MARTINEZ again entered the building located at 450 North Bedford to do a little clean-up work and to distribute the mail and packages which had arrived for the building tenants that day. MARTINEZ did not have any mail for Dr. FIELDING, but as he was passing by the doctor's office door, he noticed that the door was broken and in an open condition. MARTINEZ entered through the office door and approximately five to six feet inside and noticed that the suitcase, which had been delivered the previous night was missing and that the office had been ransacked because there were papers and medicines or pills strewn about the floor. He also noticed that the doctor's file cabinets, which were normally locked, had been opened by force.

At this time MARTINEZ telephoned his boss, Mr. J. C. BOONE of Advance Building Maintenance, and received no response. MARTINEZ then telephoned Mr. BOONE at home and BOONE advised MARTINEZ to call the Beverly Hills Police Department. MARTINEZ immediately telephoned the Beverly Hills Police Department and approximately 30 minutes later the police arrive. The police examined Dr. FIELDING's office and checked the office for fingerprints. MARTINEZ indicated that the police also called Dr. FIELDING and Dr. FIELDING arrived at his office approximately 15 to 30 minutes after the police had arrived.

MARTINEZ advised that he observed no other suspicious persons in or around the building on the night of September 3 - 4, 1971. MARTINEZ also indicated that he had never seen the two unknown male individuals before the evening of September 3, 1971, and he has not seen these individuals since that time.

MARTINEZ was shown a group of photographs to see if any of the individuals were the unknown individuals mentioned above as number one and number two. These photographs included five photographs of individuals associated with the Watergate investigation. MARTINEZ picked out as distant possibilities, the photographs of ANGELO FRANK FIORINI and FRANK CARTER, also known as Bernard L. Barker as one of the individuals who delivered the suitcase. MARTINEZ stated he could not identify these individuals, but the facial features of one of the two unknown men were similar to the facial features of FIORINI and CARTER.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 5/2/73

MARIA JUAREZ MARTINEZ, 108 Jessie Street, San Fernando, California, after being advised of the identities of the interviewing Agents, the purpose for the investigation and the nature of the interview by [REDACTED] in the Spanish language, voluntarily furnished the information set forth below to [REDACTED] in Spanish:

[REDACTED]

Mrs. MARTINEZ is employed by her son, EFRAIN MARTINEZ, as a janitor in his janitorial work. She was working for her son in this capacity in 1971.

At approximately 6 p.m. on September 3, 1971, she started her work at 435 North Bedford Avenue, Beverly Hills, California. Then approximately 10 p.m. the same evening, she proceeded to 450 North Bedford Avenue (across the street) to work in that building. At approximately 10:05 p.m. the same evening, she started working in the office of a gynecologist on the first floor. Two white men entered the building and saw her in the above office and talked to her. They told her they were employees of the Post Office and wanted to leave a suitcase in Dr. FIELDING's office.

Mrs. MARTINEZ took the men upstairs to the second floor to Dr. FIELDING's office, opened the office and allowed them to put the suitcase on the floor in front of Dr. FIELDING's desk. Then they all left the office and she closed the door. She then stayed on the second floor distributing mail to the various offices. She noted that the two men left by the back staircase. At about 10:30 p.m., her son EFRAIN came up to the second floor to ask what the two unknown individuals who delivered the suitcase were doing in the Doctor's office. She

Interviewed on 5/1/73 at San Fernando, California File # Los Angeles 105-27952

by [REDACTED] and CCB -32-
UN/jal

Date dictated 5/2/73

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LA 105-27952

then showed her son the suitcase the men had deposited in Dr. FIELDING's office and then closed the office and left. She had never seen the men before September 3, 1971, and has not seen them since that date.

Mrs. MARTINEZ described the two men with the suitcase as follows:

Individual Number One

Sex	Male
Race	White
Height	5' 8"
Weight	Approximately 170 pounds
Age	Approximately 50 years
Clothing	Big black-brimmed hat; black shirt with long sleeves; black pants
Eyes, Hair, Shoes	Not noticed

Mrs. MARTINEZ believed this individual to be Cuban by the way he talked and noted that he was clean shaven and had no insignias or identifying material on his clothes. She stated that this individual spoke Spanish to her.

Individual Number Two

Sex	Male
Race	White
Age	Approximately 50 years
Height	5' 5"
Clothing	Wearing the same type of clothing and hat as individual number one; also, no insignias or marks on his clothes.

3
LA 105-27952

Individual Number Two asked Mrs. MARTINEZ at what time she left the building. She informed him that she departed after she had finished her work. He said good evening and departed with his partner. He spoke in Spanish.

Mrs. MARTINEZ was shown photographs of five individuals involved in the Watergate investigation as well as photographs of other similar appearing individuals and stated she could not definitely identify any of the individuals as those who delivered the suitcase to Dr. FIELDING's office. She noted, however, that one of the two individuals, which one she could not recall, appeared to have the same facial features as those indicated in the photograph of FRANK CARTER.

She saw no suspicious cars or individuals on the evening of September 3, 1971, but added that she goes there to work and does not see much of what happens outside the building.

Mrs. MARTINEZ advised she did not go to work on Saturday, September 4, 1971. However, on the following Monday, she went back to work and noted that the door to Dr. FIELDING's office was broken. She was unable to furnish any information concerning the break in other than that noted above.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/2/73

1
EFRAIN JUAREZ-MARTINEZ, 6263 Wilbur Avenue, Reseda, California, was advised in English and in Spanish by [REDACTED] of the identity of the interviewing Agents and the nature of the interview. MARTINEZ was interviewed in English and Spanish inasmuch as he stated that his English at times

[REDACTED]
[REDACTED] MARTINEZ furnished the following additional descriptive data concerning himself:

[REDACTED]
[REDACTED]
Occupation
Present Employer

Janitor
Wallace Janitor Service
Reseda, California

MARTINEZ then voluntarily furnished the following information:

At 9:00p.m. on the evening of April 28, 1973, a man in company with two women, contacted MARTINEZ at his home. The man who had a heavy full red beard, identified himself to MARTINEZ as (first name unknown) PETERSON and that he represented a magazine company. One of the two women who did not give their names, had a camera in her possession. PETERSON advised MARTINEZ that these women spoke Spanish, however, MARTINEZ advised that no Spanish was spoken except the phrases, "Good night" and "Thank you". PETERSON showed MARTINEZ pictures from a newspaper and asked MARTINEZ questions for about one hour concerning the two unknown male individuals who had brought a suitcase to Dr. FIELDING's office and the subsequent burglary of Dr. FIELDING's office during the dates September 3 - 4, 1971.

MARTINEZ indicated to interviewing Agents that the pictures shown to him by PETERSON were those of G. GORDON

Interviewed on 5/1/73 at Reseda, California File # Los Angeles 105-27
by [REDACTED] and DRS/JEB -35- Date dictated 5/2/73

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LIDDY, E. HOWARD HUNT and JAMES MC CORD, all associated with the Watergate investigation.

At about 1:00a.m. on the morning of April 30, 1973, a man and two women knocked on the door of MARTINEZ' mother, Mrs. MARIA JUAREZ-MARTINEZ, 108 Jessie Street, San Fernando, California. Mrs. MARTINEZ did not let these individuals into her home and called the police. A policeman came and advised Mrs. MARTINEZ that she could talk to these three individuals because they were investigating something. One woman indicated to Mrs. MARTINEZ that she was a lawyer and had a client. Mr. EFRAIN MARTINEZ thinks that the Beverly Hills Police Department gave these three individuals his mother's address in San Fernando. The policeman stayed at Mrs. MARTINEZ' house and made a police report while Mrs. MARTINEZ subsequently let the three individuals into her house and talked to them. Mrs. MARTINEZ told these individuals of the activities that took place on the night of September 3, 1971.

Mrs. MARTINEZ had also indicated to her son that when the three individuals knocked on the door of her home and Mrs. MARTINEZ told them that she was going to call the police, one of the two women told her not to call the police because she did not want her name in the newspaper.

On the morning of April 30, 1973, at approximately 9:00a.m. a woman identifying herself as a lawyer, called Mr. MARTINEZ and got him out of bed. The woman indicated that she was one of the women that had been to MARTINEZ's mother's house earlier, that morning, and had given Mrs. MARTINEZ her business card. This woman told Mr. MARTINEZ that she needed more information than his mother was able to supply and therefore she wanted to talk to him. Mr. MARTINEZ told this woman that he was very tired and had to get some sleep and had no time to talk to the woman and that if she wanted more information concerning the burglary incident that she could call the Beverly Hills Police Department. This woman then advised Mr. MARTINEZ that if he cared to talk at a later time, that his mother had her phone number with which he could contact her.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 5/2/73

MARIA JUAREZ-MARTINEZ, 108 Jessie Street, San Fernando, California, after being advised of the identities of the interviewing Agents, the purpose for the investigation and the nature of the interview by [REDACTED] in the Spanish language, voluntarily furnished the information set forth below to [REDACTED] in Spanish:

About 1:00a.m., April 30, 1973, Mrs. MARTINEZ was awakened by a knock on her door, and was informed by a Spanish speaking woman that there was a woman attorney with her who wished to speak to her in connection with a case involving one of her clients. She explained that she was an attorney's secretary. Mrs. MARTINEZ did not open the door, and informed the individuals that she was going to call the San Fernando Police Department. She was asked not to call the police department because the attorney's name would then appear in the newspapers.

Mrs. MARTINEZ called the San Fernando Police Department, and in approximately three minutes, a Spanish-English speaking police officer arrived and informed her that the female attorney was investigating a matter and that it was alright for her to speak to Mrs. MARTINEZ, and that no harm would come to Mrs. MARTINEZ. Mrs. MARTINEZ then allowed the police officer, the two women described above, and a young man about 19 years of age who was described to Mrs. MARTINEZ as a law student by the Spanish speaking secretary to enter her house. The woman attorney gave Mrs. MARTINEZ her business card.

The business card had printed on it, "Dede X Donovan" at the top, and at the bottom was printed, although crossed out, the following: "Lawyers Military Defense Committee, 203 Tu Do Street, Room 14, Saigon - PTT.24.154"; and in red ink on the card was written "125 W. 4th Street, Suite 612, Los Angeles, 90013, telephone 489-4307".

DONOVAN advised Mrs. MARTINEZ that she was pleading the case of a doctor (name unrecalled), and wanted to know

Interviewed on 4/30/73 at San Fernando, California File # Los Angeles 105-2795
by [REDACTED] and [REDACTED] PJH/csl/JEB -37- [REDACTED] Date dictated 5/2/73

about the two men who left a suitcase in Dr. FIELDING's office in September, 1971. While DONOVAN was questioning Mrs. MARTINEZ through her Puerto Rican secretary, the San Fernando police officer was making out what looked to be a police report. Mrs. MARTINEZ then recalled that prior to her allowing these individuals to enter her home, there was an English discussion between the police officer and the others. However, she could not understand them, as she does not understand English.

After Mrs. DONOVAN had asked a number of questions, she asked Mrs. MARTINEZ to sign what Mrs. MARTINEZ called some "documents" concerning the questions that were asked her. She did not want to sign the documents, but the police officer informed her that she could go ahead and sign them, that it would not "hurt her". The officer also stated she should sign the papers like a good citizen. Mrs. MARTINEZ then signed the documents. At the outset of the interview of Mrs. MARTINEZ by DONOVAN, DONOVAN asked through her secretary several times, "the men that left the suitcase were Mexicans, weren't they?" She answered several times "no, they were either Cuban or Puerto Rican". Mrs. MARTINEZ was not shown any photographs to identify.

After Mrs. MARTINEZ signed the "documents", which were written out by the Puerto Rican secretary, DONOVAN, the secretary, the young man, and the police officer departed Mrs. MARTINEZ' home.

Mrs. MARTINEZ described the 19 year-old law student mentioned above, as very short, approximately 5' in height, husky, with blond short hair. This man spoke only several words of Spanish, such as good evening. She described the Puerto Rican secretary as probably less than 25 years of age, thin, dark complexion, about 5'2", who she recalls was called by the others as possibly GLORIA or CLARA. DONOVAN was described as an American woman about 5'4", thin, approximately 25 years of age, who spoke very little Spanish.

Mrs. MARTINEZ has not discussed the suitcase in Dr. FIELDING's office or the break-in of Dr. FIELDING's office with any other individuals since she was questioned by DONOVAN.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/14/73

EFRAIN JUAREZ-MARTINEZ, 6263 Wilbur Avenue, Reseda, California, was recontacted at his residence. He was informed by [REDACTED] partially in English and partially in Spanish, that he, EFRAIN, was free to talk to anyone he chose and at no time had he been advised by the FBI not to talk to or cooperate with anyone. He replied that he understood this and then volunteered the following information.

MARTINEZ stated that about three days before the interview, he received a telephone call from an unknown man who said he was a lawyer. MARTINEZ could not recall from what office the man said he was calling. The man informed MARTINEZ that he would find someone to speak Spanish and he and the Spanish speaker would come to MARTINEZ's home and have MARTINEZ identify the individuals who burglarized Dr. FIELDING's office. MARTINEZ stated that he informed the unknown caller he had furnished all information known to him to the FBI; that he could not identify the individuals he saw in the office building on the night of the burglary, and further, that he was considering calling his lawyer because he did not want to make identifications he was unable to make. He also informed the caller that his mother would also have nothing to say because she too could not identify the burglars.

Interviewed on 5/10/73 at Reseda, California File # Los Angeles 105-27952

by [REDACTED] and [REDACTED] PJN/JEB -39- Date dictated 5/11/73

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/14/73

Mrs. MARIA JUAREZ-MARTINEZ, 108 Jessie Street, San Fernando, California, was recontacted and was informed in the Spanish language by [REDACTED] that she was free to talk to anyone she chose to, and that at no time had she been advised not to talk to, or cooperate with anyone. She replied that she understood this. She then volunteered the following information:

Mrs. MARTINEZ had not spoken to anyone nor had she been contacted by anyone concerning the burglary of Dr. FIELDING's office since she was last interviewed, except that she spoke to her son, EFRAIN MARTINEZ.

Interviewed on 5/10/73 at San Fernando, California File # Los Angeles 105-27952
by [REDACTED] JR/JEB -40- [REDACTED] Date dictated 5/11/73

LA 105-27952

The following is a record of interviews conducted by FBI Agents with members of the Beverly Hills Police Department (BHPD) and Parole Officer, ROBERT ROOS; a deposition filed by ELMER DAVIS and investigative records obtained from the BHPD.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/1/73

1
[redacted] Chief of Police, Beverly Hills, California, was interviewed.

[redacted] provided a copy of a Beverly Hills Police Department case file number 714609 reflecting a burglary at 450 North Bedford Drive, Beverly Hills, occurring between 1630 hours, September 3, 1971 and 1600 hours, September 4, 1971. A copy of this case file as provided is attached.

[redacted]

[redacted] advised that his office had located a small plastic vitamin C container with pills spilled out on the floor in the office of Dr. LEWIS J. FIELDING, at the time of their investigation of the burglary of his office. This bottle was taken to the Beverly Hills Police Department for a fingerprint examination. A latent fingerprint was lifted from the bottle and was provided to the interviewing Agents by [redacted] stated this print was not that of [redacted]

[redacted] advised that one of his officers interviewed Dr. LEWIS J. FIELDING on April 30, 1973 and had been advised by FIELDING that nothing had been taken from his office during the burglary of September 3 - 4, 1971.

FIELDING further stated that he could not recall any other burglary at his offices.

Interviewed on 4/30/73 at Los Angeles, California File # Los Angeles 105-2791

by [redacted] and [redacted] -42-
JM/JEB Date dictated 5/1/73

Everly Hills Police Department
Room 109, City Hall
450 North Crescent Drive
Pomona Hills, California

1. CASE NO.

714880

3. DATE AND TIME OCCURRED - DAY 9/11/71 16:45HRS		4. CLASSIFICATION BUSINESS		5. REPORT AREA	
6. VICTIM'S NAME, LAST, FIRST, MIDDLE (FIRM IF BUSINESS) LIDWITZ, ASHLEY T. M.D.		7. DATE AND TIME REPORTED 9/11/71 16:45HRS		8. LOCATION OF OCCURRENCE 450 N. BEDFORD DR #110	
9. OCCUPATION DENTIST		10. RESIDENCE ADDRESS 110 S. POWLING GREENWAY, 1A		11. RES. PHONE 770-4272	
12. RACE - SEX W/M		13. AGE 33		14. DOB 4/20/34	
15. BUSINESS ADDRESS (SCHOOL IF JUVENILE) 450 N. BEDFORD DR #110		16. BUSINESS PHONE 770-4272		17. CHECK IF MORE NAMES IN CONTINUATION	
18. NAME - LAST, FIRST, MIDDLE P. T. STEPHENS, M.D.		19. CODE R/P		20. RESIDENCE ADDRESS 110 S. POWLING GREENWAY, 1A	
21. OCCUPATION DENTIST		22. RACE - SEX W/M		23. AGE 39	
24. DOB 11/2/31		25. BUSINESS ADDRESS (SCHOOL IF JUVENILE) 450 N. BEDFORD DR #110		26. BUSINESS PHONE 770-4272	
27. NAME - LAST, FIRST, MIDDLE WILLIAM STEPHENS, M.D.		28. CODE D/C		29. RESIDENCE ADDRESS 450 N. BEDFORD DR #303	
30. OCCUPATION DENTIST		31. RACE - SEX W/M		32. AGE 39	
33. DOB 11/2/31		34. BUSINESS ADDRESS (SCHOOL IF JUVENILE) 450 N. BEDFORD DR #303		35. BUSINESS PHONE 770-4272	
36. MODUS OPERANDI (SEE INSTRUCTIONS)					
37. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED FOUR STORY OFFICE BLDG. IN BUSINESS AREA					
38. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED WAS FORCED INTO BUILDING BY FORCE (WAS ASLEEPING) REACHED UP AND LOCKED WINDOW AND ENTERED DR. OFFICE. PULSED WIRE DOWN DOOR					
39. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED PULSED FORCE (WIRE DOWN DOOR). ONLY 1E PULSING NOTED.					
40. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE MONEY AT THIS TIME					
41. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR MONEY AT THIS TIME					
42. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES					
43. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE WAS FOR (MONEY) WILL RETURN ON THE 10TH OF SEPT.					
44. TRACEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S STAYED ONLY IN DR. OFFICE DID NOT GO INTO OTHER OFFICES					
45. VEHICLE USED - LICENSE NO. - ID NO. - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS)					
46. SUSPECT NO. 1 (LAST, FIRST, MIDDLE)		47. RACE - SEX	48. AGE	49. HT.	50. WT.
51. HAIR		52. EYES	53. ID NO. OR DOB	54. ARRESTED YES	
55. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS					
56. SUSPECT NO. 2 (LAST, FIRST, MIDDLE)		57. RACE - SEX	58. AGE	59. HT.	60. WT.
61. HAIR		62. EYES	63. ID NO. OR DOB	64. ARRESTED YES	
65. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS					
66. REPORTING OFFICER HARRISON #412		67. TYPED BY HARRISON #412		68. DATE AND TIME 9/11/71	
69. ACTION YES NO		70. COPIES TO: DETECTIVE JUVENILE DIST. ATTNY SO. PD.		71. OTHER GII PATROL CHIEF OTHER	
72. SIGNATURE HARRISON #412		73. SIGNATURE HARRISON #412		74. SIGNATURE HARRISON #412	

PAGE 1 OF 2

69. CASE NO.

714809

Quincy Hills Police Department
Room 109, City Hall
455 North Broadway Drive
Quincy Hills, California

70. CODE SECTION PC 459	71. CRIME BURGLARY	72. CLASSIFICATION
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) HITZ, ASHLEY T. "MS"		74. ADDRESS <input type="checkbox"/> RESIDENCE <input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> 450 N. BROADWAY DR 75. PHONE 773-1132

R/P : PORT, JEROME W/M/A

D/C : SOSNER, BERNARD W/M/A

VICTIM INTERVIEWED? YES ☐; NO ☒. DATE & TIME: _____.

PREMISES OBSERVED INTACT BY R/P AT 1630 HRS., ON 9/3/71. INTERVIEWED?
YES ☒; NO ☐. ENTRY WAS DISCOVERED BY: D/C AT 1600 HRS., ON 9/3/71.

INTERVIEWED? YES ☐; NO ☒. PROPERTY WAS REMOVED FROM: BEDROOM ☐;
DEN ☐; LIVING ROOM ☐; OFFICE ☒; DISPLAY WINDOW ☐; OTHER _____.

SEARCH FOR LATENTS MADE AT SCENE: YES ☐; NO ☒; BY: _____.

ITEMS BROUGHT TO HQ FOR LATENT CHECK? YES ☐; NO ☐. ADDITIONAL REMARKS:

(Additional information on suspect/s or vehicle; location and person finding physical evidence, if any; other pertinent information not listed on the first page; missing property, etc.)

R/P INTERVIEWED R/P WHO STATED ON 9/3/71 AT 1630 HRS.
THAT DATE HE LEFT HIS AND V'S OFFICES LOCKED AND INTACT. ... AT APPROX.
1600 HRS. THIS DATE HE RECEIVED A CALL FROM D/C WHO STATED THAT
HE JUST NOTICED THE WINDOW LEADING TO V'S OFFICE WAS BROKEN.
R/P THEN DROVE TO HIS OFFICE OBS. THE BROKEN WINDOW AND
CALL OUR DEPT.

INVESTIGATION REVEALED UNK. PERP(S) ENTERED ONLY V-S
OFFICE AND NO SIGNS OF PERP(S) WERE FOUND IN THE OTHER
CONNECTING OFFICE'S

REPORTING OFFICER HITZ, ASHLEY T. #642	RECORDING OFFICER HITZ, ASHLEY T. #642	FILED BY HITZ, ASHLEY T. #642	DATE AND TIME 9/3/71 1600
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO <input checked="" type="checkbox"/> DETECTIVE <input checked="" type="checkbox"/> CHIEF <input type="checkbox"/> JUVENILE <input checked="" type="checkbox"/> PATROL <input type="checkbox"/> POSTALITY <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER		Page 2 of 2 Pages [Signature] 9-4-11	

FOLLOW UP

68 CASE NO

714609

70 CODE SECTION P.C. 459	71 CRIME BURGLARY	72 CLASSIFICATION BUSINESS
73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS) LIPSHUTZ ARTHUR T. (M.D)		74 ADDRESS 45111 PAPER RD #110
		75 PHONE 273-3463

✓ REPORTS NO LOSS IN THE ABOVE REPORTED ENTRY.

REPORTING OFFICERS DET. W. F. PARKIN		RECORDING OFFICER Same	FILED BY	DATE AND TIME -2-23-71 11:01
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTAY <input type="checkbox"/> SEC/PU	<input type="checkbox"/> CIV <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> Chief <input checked="" type="checkbox"/> [Signature] <input type="checkbox"/> [Signature]	PAGE 1 OF 1	

CAL. JUS. CR. 22

Follow up.

714609

70 CODE SECTION P.C. 459 -	71 CRIME BURGLARY	72 CLASSIFICATION BUSINESS
73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS) ROSHUTZ, DASHLEY T. M.D.		74 ADDRESS 450 N BEDFORD DR #110
		75 PHONE CR 3-3007

V-2 FIELDING, LEWIS J. M.D. 450 N. BEDFORD DR. #212
CR 5-2747.

W-1 MARTINEZ, EFRAIN, 108 JESSIE ST. SAN FERNANDO CAL 365-47-
PERP(S) AFTER LEAVING #110 PROCEEDED TO
#212 WHERE THEY PRIED THE OFFICE DOOR OPEN
WITH A 1/2 INCH PRY INST. A METAL FILE CABINET WAS
PRIED OPEN BY UNK. INST. OFFICE HAD BEEN
RANSACKED.

INTERVIEWED W-1, JANITOR 450 N. BEDFORD, WHO STATED
AT 2300 HRS 9-3-71 AS HE WAS CLEANING #212, TWO
W.M. IN THEIR LATE 20'S 5'-8" TO 5'-10" MED. BUILT, WEARING
MAILMAN TYPE UNIFORM, WHO SPOKE IN CUBAN TYPE SPANISH
DELIVERED AND LEFT A LARGE 1'-1' BY 2 1/2' BLUE SUIT CASE IN THE
OFFICE. OFFICE WAS INTACT AT 2330 HRS 9-3-71 AND FOUND
OPEN BY W-1 AT 2000 HRS 9-4-71. WITH THE SUITCASE MISSING.

V-2 REPORTED NOTHING MISSING THAT HE KNEW OF.
AND HE HAD NO KNOWLEDGE OF THE SUIT CASE OR MEN.

A SMALL PLASTIC VITAMIN C. CONTAINER WAS FOUND ON THE
FLOOR OPEN WITH THE PILLS SPILLED OUT ONTO THE FLOOR.
CONTAINER BROUGHT TO H.Q. FOR POSSIBLE FINGER PRINTS.

REPORTING OFFICER Brockley 11603		RECORDING OFFICER C. Brockley 11603		FILED BY	DATE AND TIME 9-3-71 22:00
FURTHER ACTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO <input checked="" type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. AGENT <input type="checkbox"/> SO. PD.	<input type="checkbox"/> CII <input checked="" type="checkbox"/> PATROL <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER	PAGE 1 OF 2		

-47-

FEDERAL BUREAU OF INVESTIGATION
Date of transcription 7/5/72

1

Glendale, Calif.
[redacted]
[redacted] was advised of the official identities of [redacted]
[redacted] her mother, who was also present, was also shown the Agent's identification. [redacted] mother was advised that due to the nature of the interview, it would be necessary for her daughter to be interviewed alone, and she left the apartment.

*3 copies
1913-1928
W.H.
Calif.*
[redacted] advised that she has been a stewardess for American Airlines for approximately four years. During a flight from Los Angeles to New York on September [redacted] 1971, on American Airlines Flight [redacted] a passenger who used the name ED J. HAMILTON, complained about his food, and generally caused her problems, until she was able to resolve the problems for him. This individual was traveling with another man who she described as younger than HAMILTON, using the name G. LARIMER, a white male, 5'9" to 5'11", 150 to 160 pounds, dark brown hair, and in his middle 40's. She believes that they had an attache case with them and reviewed some papers during the flight. She had a conversation with HAMILTON in the first class lounge with HAMILTON's companion present, and during this conversation HAMILTON talked about how he had been associated with, or lived with a group of Mormons at one time. She believes that he had this contact with Mormons in Alaska, Utah or possibly New Mexico. He expressed his opinion that these were very good people. She can not recall actually giving her name to HAMILTON, but believes that she must have, because she had lost her name tag and was without a name tag at about the time of this flight. She can not recall giving HAMILTON her business address at the airport, but she some times does give this address to businessmen who indicate they would like to send her a sample of a product.

On either September 8 or 13, 1971, she had a lay over in New York, and upon checking her message box at the Park Sheraton Hotel, she found a book entitled, "The Latter-

Interviewed on 6/29/72 at Glendale, California File # Los Angeles 139-305
by [redacted] and [redacted]
RHP/c's Date dictated 7/5/72

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SECRET

day Saints: Mormon's Yesterday and Today", by ROBERT MULLEN. Inside the front cover was a typewritten note on letterhead paper, bearing the letterhead, "Robert R. Mullen and Co., 1700 Pennsylvania Ave., N. W. Washington, D. C. 20005 (202) 293-2900". The note typed on the paper reads "Dear Margaret: I've been trying to reach you at the Sheraton in NYC, with no luck. After that fantastic flight from LAX to JFK on September 4th, I wanted to follow up. Next time you're in New York call me COLLECT at (202) 347 0355. Please". The note is signed "Ed Hamilton". *Calif. U. 1913-1928*

After reading the note, she could not recall the identity of ED HAMILTON who had signed the note or where she had met him. She called the number he had left at the bottom of the note, and spoke with a female she believed was his secretary. She asked for ED HAMILTON and was advised that he was not in. She identified herself, and the secretary indicated that she had heard of her, and she somehow indicated that she had been expecting [REDACTED] call. She recalls that the female who had answered the telephone had been very nice. [REDACTED] told her to tell Mr. HAMILTON that she had received the book and to thank him. From the way in which the telephone was answered, she got the impression that the call was received at the White House, but she is not sure of this. Following the call, she still could not recall the identity of ED HAMILTON.

A few days later, she received a long note from ED HAMILTON, indicating that he would like to spend some time with her if she were going to have a long layover in New York. He indicated that they could take a trip for a few days to Connecticut. He indicated that if she could tell him when she would be in New York he could arrange to meet her. He also indicated that he would like to see her if she were ever in Washington, D. C. From the content of the note, she understood that he desired to enter into a romantic relationship with her. The note ended with the statement, "Now the ball is in your court". She never responded to this note.

About two months later, she received two "good passenger" letters which had been sent to the airline and routed to her. From the content of these letters, she was able to recall the identity of ED HAMILTON as a passenger on Flight 32 from Los Angeles to New York. One of these letters was signed "Ed J. Hamilton", and the other was signed "G. Larimer".

She furnished the following description of ED J. HAMILTON:

Race	White
Sex	Male
Height	5'10"
Frame	Medium to light
Age	45 to 60 years
Hair	Grey, salt and pepper, with receding hairline
Complexion	Medium
Dress	Very conservative
Miscellaneous	Bad posture, possibly smoken because seated in smoking section of first class

7/5/72

Date of transcription

1

[REDACTED] was apprised of the identities of the interviewing agents and the purpose of the interview at her residence.

[REDACTED] voluntarily agreed to be interviewed without an attorney present.

[REDACTED] made available to the interviewing agents two "good passenger letters," which she received from an individual known as EDWARD J. HAMILTON and the second letter signed G. LARIMER. She advised that both LARIMER and HAMILTON were first class passengers on Flight [REDACTED] from Los Angeles to New York on September [REDACTED] 1971.

[REDACTED] also made available to the investigating agents a novel entitled Latter-Day Saints, The Mormons Yesterday and Today by ROBERT MULLEN. On the inside cover was a typewritten note signed ED HAMILTON, which was written under the printed letterhead Robert R. Mullen & Company, 1700 Pennsylvania Avenue, Northwest, Washington, D. C., 2006, telephone #202 293-2900.

[REDACTED] was given a receipt for the above items, which she made available to the interviewing agents.

Interviewed on 6/29/72 at Glendale, California File # 139-306
by [REDACTED] & [REDACTED] Tr./dms Date dictated 7/5/72

7/5/72

[REDACTED], was apprised of the identities of the interviewing agents and the purpose of the interview at her residence.

[REDACTED] voluntarily consented to be interviewed without an attorney present. [REDACTED] was shown six colored photographs, one of which was a photo of EVERETT HOWARD HUNT.

[REDACTED] viewed the photo and selected the photo of HUNT as the individual known to her as EDWARD J. HAMILTON.

Interviewed on 6/29/72 at Glendale, California File # 139-306

by [REDACTED] & [REDACTED] /dms Date dictated 7/5/72

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1Date of transcription 7/5/72

[REDACTED] was interviewed at her place of employment, American Airlines, Los Angeles International Airport, Los Angeles. She was immediately apprised of the identities of the interviewing agents and the purpose of the interview.

[REDACTED] freely consented to be interviewed without an attorney present.

[REDACTED] was shown six black and white photographs of white males, one of which was the photo of GEORGE GORDON LIDDY. [REDACTED] viewed the photos and stated that she could not make a positive identification of the individual known to her as GEORGE LARIMER, who was accompanying a person known to her as ED HAMILTON on Flight 32 from Los Angeles to New York on September 4, 1971. However, she did select the photo of GEORGE GORDON LIDDY and stated that this photo resembled the individual accompanying HAMILTON on that flight.

Interviewed on 6/30/72 at Los Angeles, California File # 139-306

by [REDACTED] dms Date dictated 7/5/72

LA 105-27952

The following investigation reflects efforts to ascertain allegation that LIDDY and HUNT visited the law office of [REDACTED] on September 3, 1971, and an interview with DONALD HENRY SEGRETTI.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/4/73

1/ [REDACTED]
[REDACTED] Jackson and Goodstein Law Firm, 1901 Avenue of the Stars, Century Plaza, Los Angeles, California, was interviewed in his office. He was advised of the official identities of [REDACTED] and was told that the FBI was conducting investigation at the request of the Attorney General concerning allegations that G. GORDON LIDDY and E. HOWARD HUNT had burglarized Dr. DANIEL ELLSBERG'S psychiatrist's office on or about September 3, 1971.

[REDACTED] stated that he has known Mr. HUNT for approximately 30 years but does not recall that he was in the Los Angeles area over the Labor Day weekend 1971. He stated he believed he saw HUNT some time later that fall and it was on this occasion that he met LIDDY for the first time. He believes that when he saw HUNT and LIDDY in the fall of 1971, it was at the Beverly Hilton Hotel in Los Angeles and it was only a brief meeting just to say hello. He stated their schedules were such that he did not have time to see HUNT for a longer period at that time.

[REDACTED] stated that he normally keeps a record of people he has talked to during the course of a business day on his desk calendar. He stated that his 1971 desk calendar was at his home as he was using it to prepare income tax matters. He stated he would call his wife and ask her to check to see if he had noted any meeting or conversation with HUNT around the Labor Day 1971 period. In the presence of the interviewing Agents he called his wife and asked her to check his calendar for a week prior to and a week subsequent to Labor Day 1971 to determine his own activities and if the calendar reflected any meeting or conversation with HUNT. After talking to his wife, he advised that his wife had informed him that his calendar showed that he, [REDACTED] was in Los Angeles for the period prior to

Interviewed on 5/4/73 at Los Angeles, California File # Los Angeles 105-27952

by [REDACTED] and [REDACTED] -70-
K/trb Date dictated 5/4/73

September 3, 1971, but that he had departed Los Angeles on September 3, 1971, to go to Lake Tahoe, California, returning September 7, 1971. He stated that she had informed him that the calendar showed no record of any meeting or conversation with HUNT over that period.

[REDACTED] stated that he has been representing Mr. HUNT since approximately one year prior to HUNT'S arrest in 1972, and still represents him. He stated he did not act as HUNT'S attorney during the Watergate trial and in fact had testified before the Watergate Grand Jury in the summer of 1972; had testified for the prosecution in the Watergate trial and has conferred with the Department of Justice officials who have been conducting the Watergate investigation. He stated that he has been perfectly frank and has disclosed all he knows.

[REDACTED] stated that at no time during his association with HUNT has HUNT ever told him of any illegal activity that he might be involved in or anything remotely resembling an illegal activity. [REDACTED] stated that he has absolutely no information whatsoever concerning the burglary of DANIEL ELLSBERG's psychiatrist's office.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/4/73

[redacted] of the law firm of [redacted] Los Angeles, California, was interviewed at [redacted] place of employment in the presence of [redacted]. She was advised of the [redacted] official identities of [redacted] and [redacted] and was told that the Federal Bureau of Investigation (FBI) was conducting an investigation at the request of the Attorney General concerning allegations that G. GORDON LIDDY and E. HOWARD HUNT had burglarized Dr. DANIEL ELLSBERG's psychiatrist's office. She was told that investigation conducted tended to indicate that the psychiatrist was Dr. LEWIS J. FIELDING, Beverly Hills, California, and that his office had been burglarized some time between September 3 and 4, 1971.

[redacted] was asked if she knew either LIDDY or HUNT and replied that she knew them both. She stated she had no recollection that either LIDDY or HUNT were in the Los Angeles area over Labor Day, 1971, and stated that she first met HUNT in January, 1972. She was specifically asked if she could recall LIDDY or HUNT visiting [redacted] office on September 3, 1971, and replied negatively, reiterating that she first met HUNT in January, 1972.

[redacted] stated that she had only met LIDDY on one or two occasions; however, she did recall that both LIDDY and HUNT had visited [redacted] in his office on several occasions commencing January, 1972.

[redacted] stated that at no time had either LIDDY or HUNT ever confided to her that they had committed any illegal acts and she had absolutely no knowledge of any information concerning the burglary of Dr. FIELDING's office.

Interviewed on 5/4/73 at Los Angeles, California File # Los Angeles 105-27952

by [redacted] and [redacted] -72- Date dictated 5/4/73

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/8/731

DONALD HENRY SEGRETTE, 5950 Buckingham Parkway, Culver City, California was interviewed in the presence of his attorney, JOHN POLLOCK, by Special Agents of the FBI who had identified themselves to SEGRETTE. At the time of the interview, SEGRETTE was awaiting release from custody of the United States Marshal.

SEGRETTE advised he has no knowledge of any break in or attempted burglary at the office of Dr. LEWIS FIELDING, DANIEL ELLSBERG's psychiatrist. He said he had read of the incident in the local newspapers, but had no information regarding the incident or its participants.

Interviewed on 5/4/73 at Los Angeles, California File # Los Angeles 105-27952-2
by [REDACTED] ESB/pan Date dictated 5/7/73

-73-

LA 105-27952

III. INVESTIGATION - INTERVIEWS CONDUCTED
RELEVANT TO KNOWN PARTICIPANTS IN
BURGLARY OF DR. FIELDING'S OFFICE

E. HOWARD HUNT

The following reflects FBI attempts to interview E. HOWARD HUNT; HUNT'S testimony before a Federal Grand Jury in Washington, D.C., and FBI inventories of material located in HUNT'S office at the Executive White House following his arrest:

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

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Mr. WILLIAM O. BITHAN, Attorney, advised that he was speaking for E. EDWARD BUNT and that Mr. BUNT did not desire to be interviewed by representatives of the FBI regarding the DANIEL ELISHAG case.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613

by

ALL: jek

5/1/73

Date dictated

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/9/73

Mr. WILLIAM O. BITTMAN, Attorney, office address 815 Connecticut Avenue, N.W., Washington, D. C., telephonically advised that he represents Mr. E. HOWARD HUNT.

Mr. BITTMAN was advised that the United States Department of Justice had requested that the FBI interview Mr. HUNT in connection with the camera which Mr. HUNT stated he received from the Central Intelligence Agency with particular emphasis on what Mr. HUNT had done with the camera and any photographs taken with it.

Mr. BITTMAN advised that Mr. HUNT has testified a number of times before a Federal Grand Jury concerning his activities and as Mr. HUNT's attorney, he does not feel it would be proper to subject his client to an independent FBI interview at this time.

Interviewed on 5/9/73 at Washington, D. C. File # WFO 65-11613

by [REDACTED] mad

Date dictated 5/9/73

LA 105-72952

G. GORDON LIDDY

The following reflects FBI attempts to interview
G. GORDON LIDDY on May 1, 1973:

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

1

G. GORDON LINDY was contacted on May 1, 1973, and advised he did not want to talk to representatives of the FBI.

Interviewed on 5/1/73 at Washington, D. C. File # 63-11413
by [REDACTED] and [REDACTED] Date dictated 5/1/73

-127-

LA 105-27952

EUGENIO ROLANDO MARTINEZ;
BERNARD L. BARKER

The following reflects FBI attempt to interview
EUGENIO ROLANDO MARTINEZ and BERNARD L. BARKER on May 8,
1973:

Date of transcription 5/8/731

On May 8, 1973, an effort was made to interview EUGENIO EDUARDO MARTINEZ and BERNARD L. BAIKER at the District of Columbia Jail.

Their Attorney, DANIEL SCHWARTZ, 1990 M Street, N.W., Washington, D.C. appeared at this jail at approximately the same time as the representatives of the Federal Bureau of Investigation (FBI). This appearance was a coincidence for the Attorney had no knowledge the FBI Agents were at the jail for the purpose of interviewing his clients.

Prior to the time arrangements could be perfected through jail procedures to see MARTINEZ and BAIKER, their Attorney approached the Agents. He announced that it was his advice to his clients that at this time they should not be interviewed. Based on this decision by their Attorney, MARTINEZ and BAIKER were not made available for interview by the Agents.

Interviewed on 5/8/73 at Washington, D.C. File # WFO-65-11613

by [REDACTED] ELG:msh Date dictated 5/8/73

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LA 105-27952

FELIPE DE DIEGO

The following reflects FBI attempts to interview FELIPE DE DIEGO and DE DIEGO'S sworn statement to the State Attorney, Dade County, Miami, Florida, on May 10, 1973:

FEDERAL BUREAU OF INVESTIGATION

5/6/73

Date of transcription

Bo
Calif
 FELIPE DE BISCO, 1841 S.W. 92nd Place, Miami, Florida, was contacted at his place of business, Desco Realty, Inc., 2731 Coral Way, Miami, Florida, where he is president. He read the "Advice of Rights" form and stated he understood, but he did not wish to sign the form.

Mr. DE BISCO was advised that the FBI wished to question him concerning his activities on the west coast in 1971, with BERNARD BARKER and his associates, particularly in connection with the allegation that he, DE BISCO, had participated in the break-in of the office of the psychiatrist of DANIEL BILSKER. He replied that he would not say anything about that at this time, but that he wanted it understood that anything he did he did because he thought he was working for the CIA and helping the United States Government.

Mr. DE BISCO said he would tell everything he knows about those activities if he was granted immunity by the Grand Jury. He pointed out that he had been granted immunity earlier in testifying before the Grand Jury in the Watergate affair. If he was extended the same type of immunity in this matter, he would tell everything he knew about the RUBINBERG affair.

Mr. DE BISCO said that in the meantime, however, in his own self interest he would have no further comment concerning this matter. He indicated after all the publicity, he would be glad to receive a subpoena and help get this thing resolved.

Interviewed on 5/6/73 at Miami, Florida File # Miami 65-3884

by [redacted] Date dictated 5/6/73

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/10/73

FELIPE DE DIEGO telephonically recontacted [REDACTED] of the Miami Office of the FBI at 4:40p.m. 5/9/73. He advised that on that date he had received a subpoena from Dade County, Florida, State Attorney RICHARD GERSTEIN, Miami, which subpoena referred to the matter of "investigation".

Upon contacting GERSTEIN's office, he was advised that Los Angeles authorities, not further identified, had authorized GERSTEIN's office to arrange for a detailed interview of DE DIEGO in Miami, concerning his involvement in the September 3, 1971 break-in of the office of DANIEL ELLSBERG's psychiatrist, in Beverly Hills, California. According to DE DIEGO, the Los Angeles authorities had advised GERSTEIN that they would be extending DE DIEGO immunity in making this statement, and that he would be able to give all the details right in Miami. They have arranged for a meeting at 10:00a.m. on 5/10/73, at the State Attorney's Office, Miami, which will be attended by DE DIEGO and his attorney, ALFREDO DURAN, to finalize arrangements in this connection. DE DIEGO advised that inasmuch as there had been so much publicity in this case, and he had informed FBI Agents the previous day that he would be willing to tell everything he knew about the ELLSBERG affair if granted immunity, he wanted to advise this office of the current developments.

DE DIEGO was unsure whether this testimony and immunity was in connection with the Federal case at Los Angeles, or the local Los Angeles County investigation.

Interviewed on 5/9/73 at Miami, Florida File # Miami 65-3264

by [REDACTED] /JEB Date dictated 5/10/73

IV. INVESTIGATION - INTERVIEWS CONDUCTED
RELEVANT TO INDIVIDUALS
CONNECTED WITH A WHITE HOUSE GROUP
KNOWN AS THE "SPECIAL UNIT"

The following sections deal with interviews, attempted interviews and affidavits obtained from individuals alleged to have been part of an investigative team formed by The White House and known as the "Special Unit," regarding their knowledge of the alleged burglary of Dr. LEWIS J. FIELDING'S Office over the Labor Day weekend, 1971.

EGIL KROGH is interviewed in the presence of his attorney, WILLIAM M. TREADWELL, and advises of an affidavit he has filed with Judge WILLIAM MATTHEW BYRNE'S Court. He defers all other questions until the affidavit is received by Judge BYRNE.

5/4/73

1

Date of transcription

EGIL KROGH was interviewed in the presence of his Attorney, WILLIAM M. TREADWELL, in Mr. TREADWELL's office, 910 16th Street, N.W., Washington, D. C.

Mr. KROGH was advised he was being contacted at the request of the Department of Justice to determine if he has any information regarding an investigation conducted by The White House in the Pentagon Papers case and specifically about an allegation GORDON LIBBY and HOWARD HUNT during the course of that investigation burglarized the office of Dr. DANIEL ELLSBERG's psychiatrist.

KROGH asked the identity of the individual in The Department who had initiated this request. He was advised the Agents did not know.

Mr. TREADWELL asked for information as to the origin of the allegation and he was told information about this matter has been published in the newspapers and Judge BYRNE spoke during the ELLSBERG trial of a memo from Mr. SILBERT of the United States Attorney's Office in Washington, D. C., which contained the allegation. Mr. TREADWELL was informed the Agents did not know the source of Mr. SILBERT's information.

Mr. KROGH said "Today in open Court, I have sworn to an Affidavit regarding the facts as I recall them concerning the alleged incident."

Mr. TREADWELL said his client appeared in Superior Court, District of Columbia, Judge THEODORE NEWMAN presiding, and swore to the Affidavit which was then certified by the Clerk of Court. The Affidavit with the Jurat is to be delivered today to the Department of Justice for transmittal to Judge BYRNE in Los Angeles.

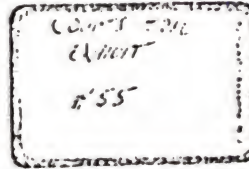
Interviewed on 5/4/73 at Washington, D. C. File # WFO 65-11613

by [REDACTED] and [REDACTED] Date dictated 5/4/73
CAR:mad

WFO 65-11613

2

Mr. KROGH said any additional questions should be deferred until this Affidavit has been received by Judge BYRNE and he is providing the Affidavit due to published accounts of a request by Judge BYRNE for Affidavits or any other information related to the alleged incident.



William M Treadwell

Attorney at Law

Suite 303 • 910 Sixteenth Street NW • Washington DC 20006 • Telephone: (202) OK 9-1970-1972

May 4, 1973

RECEIVED
9 15 a.m.
MAY 7 1973

WM. MATTHEW BYRNE, JR.
U. S. District Judge

The Honorable W. Matthew Byrne
Judge, U.S. District Court
for the Southern District of California
U. S. Courthouse - Spring Street
Los Angeles, California

Dear Judge Byrne:

Enclosed please find a certified copy of an Affidavit of Disclosure of Evidentiary Information, together with a letter of transmittal from the affiant, Egil Krogh, Jr., who is my client.

The affidavit has been prepared and executed in conformity with California code provisions.

It was sworn to in open court by Mr. Krogh on this date, Theodore R. Newman, Jr., Judge of the Superior Court of the District of Columbia presiding. Thereafter the jurat was properly certified by the Clerk of the Court, with seal affixed.

The original affidavit is being presented to the office of the United States Attorney for the District of Columbia, for submission to you.

Yours truly,

William M. Treadwell

WMT:nh
Enclosures

6549 Greenvale Street, N.W.
Washington, D. C. 20015
May 4, 1973

the Honorable W. Matthew Byrne
Judge, U. S. District Court
for the Southern District of California
U. S. Courthouse - Spring Street
Los Angeles, California

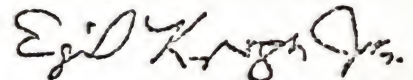
Dear Judge Byrne:

Your honor has requested a full and complete disclosure of the facts surrounding an attempt to obtain certain information regarding a defendant in a case you are trying.

In response to that request I am transmitting herewith a sworn affidavit of the facts surrounding that attempt to obtain information as they are recalled by me.

I have chosen to respond to your request by affidavit rather than through a transmitted report prepared by the Federal Bureau of Investigation in order to assure a full and complete disclosure of all facts recalled by me. I stand ready to respond to any further request made by your honor.

Sincerely yours,



Egil Krogh, Jr.

EK:nh

WASHINGTON
DISTRICT OF COLUMBIA

SS.: AFFIDAVIT OF DISCLOSURE
OF EVIDENTIARY INFORMATION

This affidavit was prepared personally by the affiant and is presented to the Department of Justice for submission to the United States District Court, Southern District of California, the Honorable W. Matthew Byrne, Jr. presiding.

The form and execution of this affidavit is in conformity with statutory law and judicial precedent, and its submission is not a waiver or forfeiture of any state or federal constitutional, statutory, or common-law right of the affiant.

William H. Treadwell
William H. Treadwell
Attorney at Law

Suite 303
910 Sixteenth Street, N.W.
Washington, D. C. 20006
Telephone: 202-659-1978, 9

WASHINGTON
DISTRICT OF COLUMBIA

SS.:

Egil Krogh, Jr., of full age, being first duly sworn according to law upon his oath, deposes and says:

1. that he resides at 6949 Greenvale Street, N.W., Washington, District of Columbia;
2. that he is a citizen of the United States of America;
3. that he is currently an officer of the executive branch of the federal government, serving as Under-Secretary of the Department of Transportation;
4. that on or about July 15, 1971, affiant was given oral instructions by Mr. John D. Ehrlichman, Assistant to the President of the United States for Domestic Affairs, to begin a special National Security project to co-ordinate a government effort to determine the causes, sources, and ramifications of the unauthorized disclosure of classified documents known as the Pentagon Papers;
5. that Mr. David Young of the National Security Council Staff was assigned to this special project with him;

6. that to his information and belief one reason for undertaking an independent investigation centralized among White House staff was that a close personal relationship existed between the then Director of the Federal Bureau of Investigation, J. Edgar Hoover, and Mr. Louis Marx, father-in-law of Dr. Daniel Ellsberg, admitted public source of the Pentagon Papers;
7. that to affiant's information and belief the establishment of an independent investigatory unit reporting to the White House staff was expressly agreed to by Director Hoover and this agreement manifested in a memorandum from Director Hoover;
8. that to his information and belief Central Intelligence Agency investigative support was unobtainable for this special National Security project due to the lack of CIA jurisdiction within the territorial United States;
9. that in July 1971 the affiant recommended to Mr. John D. Ehrlichman that Mr. G. Gordon Liddy be employed by the special unit as an investigator and staff assistant, and Mr. Ehrlichman subsequently authorized the employment of Mr. Liddy;
10. that Mr. E. Howard Hunt was recommended to affiant for assistance on the Pentagon Papers investigation, such recommendation was made to affiant over the telephone by Mr. Charles C. Colson, Special Counsel to the President;
11. that Mr. Colson's recommendation of Mr. Hunt was based on Mr. Hunt's investigative experience as an agent for the Central Intelligence Agency;
12. that Mr. Hunt was at that time employed as a part time White House consultant by Mr. Colson on matters not known to me;
13. that information obtained by the special unit made it imperative to ascertain whether the unauthorized disclosure of the Pentagon Papers was (a) an individual act, (b) the act of a small group, or (c) the result of a wider conspiracy to engage in espionage;
14. that during the early stages of the investigation, affiant received information suggesting that Dr. Ellsberg did not act alone;
15. that the affiant was informed by the Federal Bureau of Investigation that the so-called Pentagon Papers were in the possession of the Soviet Embassy, Washington, D. C., prior to their publication by the New York Times newspaper suggesting an effort to aid and abet an enemy of the United States through an ally;

16. that shortly thereafter additional public disclosure of classified information related to national security took place, to-wit:

(a) publication of a news story on the Strategic Arms Limitation talks with the Soviet Union, and

(b) publication of a news story on August 12, 1971, regarding a Soviet move to avert a war by entering into a pact with India;

17. that following the publication of the abovementioned SALT story, the affiant was personally instructed by President Nixon, in the presence of John D. Ehrlichman, that the continuing "leaks" of vital information were compromising the national security of the United States, and the President instructed the affiant to move ahead with the greatest urgency to determine the source of "leaks;"

18. that the affiant was informed by the CIA that a news story had put in jeopardy the life of an intelligence agent, thus emphasizing the need for increased investigative effort on the part of the affiant's special unit;

19. that in addition the affiant was informed repeatedly during the months of July and August of 1971 of the extreme threat perceived to be developing by high government officials, because of the possibility of further unauthorized disclosure as to the capability of the United States government to conduct its foreign affairs and protect its national security;

20. that efforts to discover the sources had not succeeded;

21. that affiant's special unit received information from an interview conducted by the Federal Bureau of Investigation with one Dr. Fielding, former psychiatrist to Daniel Ellsberg, which yielded no information;

22. that additionally a psychological profile of Dr. Ellsberg, prepared by the CIA provided no useful information to the affiant's special unit;

23. that discussions among the special unit were conducted which suggested that information in the possession of Dr. Fielding may hold the key to breaking the impasse;

24. that individuals who may have participated in a conspiracy with Dr. Ellsberg may have been named;

25. that a psychological profile could be put together with information derived from Dr. Fielding;

26. that general authorization to engage in covert activity to obtain a psychological history or ascertain associates of Dr. Ellsberg was thereafter given to the special unit by John D. Ehrlichman;
27. that plans for acquiring the information from the office of Dr. Fielding were developed by Mr. Hunt and Mr. Liddy;
28. that to affiant's information and belief a first trip to California was undertaken by Mr. Hunt and Mr. Liddy to determine means for acquiring the information;
29. that films of the premises of Dr. Fielding's office were brought back by Mr. Hunt and Mr. Liddy following the first trip;
30. that to affiant's understanding and belief certain of these films were left in a camera belonging to the Central Intelligence Agency and transmitted to the Department of Justice by the Central Intelligence Agency;
31. that a second trip was undertaken to acquire the information in early September 1971;
32. that in affiant's supervisory capacity, affiant agreed to the mission with the understanding that Mr. Hunt and Mr. Liddy would obtain the service of certain Cubans to accomplish the mission;
33. that affiant attached a condition to the mission that Mr. Hunt and Mr. Liddy were not to be in the close proximity of Dr. Fielding's office;
34. that recent newspaper reports suggesting that an individual had accepted responsibility for the entry into two offices on the premises where Dr. Fielding has his office was a completely unknown incident to affiant;
35. that to affiant's understanding and belief the funds for implementing the effort to acquire the information were provided to affiant through an unknown intermediary after a request by affiant to Mr. Charles Colson for the funds;
36. that to affiant's knowledge affiant did not inform Mr. Colson as to the reason for the request for funds;
37. that to affiant's understanding and belief the funds totalled \$2,000.00 which were to be used for expenses;

38. that to affiant's understanding and belief, Mr. Hunt stressed to affiant that only expense money would be accepted by those who had been recruited for this effort as this was a contribution to the security of the United States and no profit should be derived;
39. that to affiant's understanding and belief no information was acquired from the second and final trip regarding any associates of Dr. Ellsberg, a psychiatric background of Dr. Ellsberg, or any other material;
40. that to affiant's understanding and belief no information of any kind was transmitted to any government agency for use in the prosecution of Dr. Daniel Ellsberg derived from either trip to California as none was obtained;
41. that upon return from the second trip to California, failure of the objective to acquire information was reported by Mr. Hunt and Mr. Liddy to affiant and photos of destructive activity within an office were displayed to explain the events which had reportedly transpired;
42. that photographs of Dr. Fielding's apartment were presented by Mr. Hunt and Mr. Liddy with a recommendation that another attempt be made to acquire the desired information;
43. that no other effort was undertaken to acquire information on Dr. Ellsberg's associates or psychiatric history;
44. that affiant reported the results of the second trip to California to Mr. John D. Ehrlichman with the recommendation that any additional covert activity be disapproved;
45. that Mr. Ehrlichman disapproved any further covert activity;
46. that Mr. Ehrlichman advised affiant that the activity on the second trip to California far exceeded the scope of any covert activity which had been approved in general in advance;
47. that affiant was instructed to inform Mr. Liddy and Mr. Hunt that no additional covert activity was to be undertaken;
48. that affiant informed Mr. Hunt and Mr. Liddy that no additional covert activity was to be undertaken;

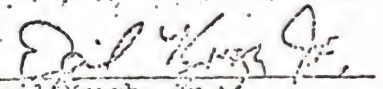
49. that to his understanding and belief, affiant has had no prior knowledge of any subsequent covert activity alleged to have been undertaken by Mr. Hunt and Mr. Liddy;
50. that affiant has testified before the Senate Commerce Committee during his confirmation hearings regarding the organization and activities of the so-called "plumbers;"
51. that in reviewing the transcript of those hearings, affiant believes he responded accurately and truthfully to all questions posed by the Committee members during the hearings;
52. that during his confirmation hearing affiant denied any knowledge of bugging or electronic surveillance activities by the "plumbers;"
53. that recent newspaper accounts allege that such activities may have taken place, and that affiant reiterates that he had no knowledge of such alleged electronic surveillance activities.

WASHINGTON
DISTRICT OF COLUMBIA

SS.:

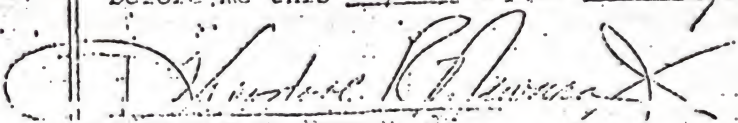
Egil Krogh, Jr., being duly sworn according to law upon his oath, says that he is the affiant of the foregoing; that he has read same and knows contents thereof; that the matters stated therein are true to his knowledge, except such matters as are stated to be upon information and belief and as to those matters he believes them to be true.

Further, I declare under the penalty of perjury that the foregoing is true and correct.


Egil Krogh, Jr.

SUBSCRIBED AND SWORN TO

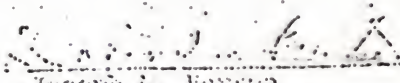
Before me this 4th day of May, 1973


Theodore R. Newman, Jr.
Judge of the Superior Court of the District of Columbia.

Joseph M. Burton, Clerk of the Superior Court of the District of Columbia, the same being a court of record of said District, and having by law a seal, does hereby certify that the Honorable Theodore R. Newman, Jr., whose name is attached to the foregoing affidavit, was at the time of the taking of said affidavit, a member of said Superior Court, which court then and there existed.

And I do further certify that I am well acquainted with his handwriting and verily believe that the signature to the foregoing affidavit is his genuine signature.

In witness whereof, I have hereunto set my hand and affixed the seal of said Superior Court of the District of Columbia this 4th day of May, 1973.


Joseph M. Burton
Clerk of the Court

LA 105-27952

CHARLES COLSON, former counsel to the President is interviewed on two occasions, in attorney's presence, signs waiver of rights and submits to questioning.

Date of transcription 4/5/73

Efforts to contact Mr. CHARLES COLSON, former Counsel to the President, were negative on this date.

Mr. DAVID SHAPIRO, 1735 New York Avenue, N.W., Washington, D.C., telephonically advised he was acting as Counsel for Mr. COLSON. Mr. SHAPIRO was advised the FBI wished to interview Mr. COLSON at the request of the Department of Justice, to determine any information he may have about a White House investigation into the Pentagon Papers case and specifically knowledge he may have about an alleged burglary of the office of Dr. DANIEL ELLSBERG's psychiatrist.

Mr. SHAPIRO said he would advise the FBI about the requested interview later in the day or on the morning of May 4, 1973.

Interviewed on 5/3/73 at Washington, D.C. File # WFO 65-11613

by [redacted] sld [redacted] Date dictated 5/4/73

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/8/72

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CHARLES W. COLSON, former Special Counsel to the President, was interviewed in the presence of his attorneys DAVID SHAPIRO, and JUDAH BEST, in their offices at 1735 New York Avenue, N.W., Washington, D. C. (D.C.). Mr. COLSON was advised he was being contacted at the request of the Department of Justice to determine if he could furnish information about an investigation conducted on behalf of the White House into the public disclosure of the Pentagon Papers and specifically for information he may have about an alleged burglary of the office of DANIEL ELLSBERG's psychiatrist by R. HOWARD HUNT and G. GORDON LIDBY during the course of that investigation.

Mr. COLSON voluntarily signed a waiver of rights, (FD 395), and advised as follows:

Mr. COLSON recalled attending meetings in early July, 1971, at the White House concerning the disclosure of the Pentagon papers and described these meetings as "kind of picnic sessions" to determine what was going on and trying to establish what was going to be published next by the newspapers and the accuracy of these publications. Mr. COLSON indicated he was not involved in the White House investigation into the Pentagon Papers disclosures, but was engaged in the Government's litigation to stop publication of the Papers. He was engaged on an almost full-time basis at this time with the preparation of the President's August 15, economic decision initiating Phase I of the Price Freeze.

When the Pentagon Papers were first published in the "New York Times" there was a need in the White House for someone to do research and re-ordinate assignments involving investigation into the leak. COLSON recalled he recommended HUNT, whom he had known for a period of years and several other individuals for this assignment. HUNT was subsequently interviewed by JOHN D. ENRIKHEMAN, former Assistant to the President.

Interviewed on 5/8/72 at Washington, D. C. File # 100-45-11513

by [REDACTED] Date dictated 5/8/72

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Later, Mr. COLSON received a telephone call from Mr. EIRLICHMAN who was then in California with the President, asking whether HUNT could be brought in and directing that he should be put to work on the investigation.

Mr. COLSON asked his staff secretary to process the necessary papers regarding the employment. HUNT was assigned to COLSON's staff for internal budget processing only.

Mr. COLSON knew that the "Plumbers", (publicly identified as EARL BROWN, DAVID YOUNG, HUNT and LINDBY) were conducting a check for a personality profile of DANIEL ELLSBERG to determine what motivated him, what kind of "wild things" he might do. Mr. COLSON said there was an enormous concern over leaks of sensitive information at that time.

Mr. COLSON had no discussions or advanced information of the alleged burglary. He knew the Plumbers were going to the West Coast but did not know which of them would actually make the trip. He first heard about the alleged burglary sometime later at a meeting and he could not recall the time of the meeting or who was present. He thought the meeting may have been a private one with Mr. EIRLICHMAN. He believes Mr. EIRLICHMAN told him, he does not recall specifically, but he gained the impression from the conversation that "they" tried to get the records of ELLSBERG's psychiatrist and did not get them. EIRLICHMAN told him this was a national security matter and not to be discussed with anyone. Mr. COLSON never heard any discussion of a burglary attempt on the home of ELLSBERG's psychiatrist.

Mr. COLSON was asked if he had any other discussions with White House Staff members about the burglary. He recalled in connection with the Watergate investigation prior to the time when he was questioned by the Federal Bureau of Investigation (FBI), and gave a deposition to Mr. SILLERY of the United States Attorney's office, he asked JOHN DEAN, Counsel to the President, what to do if the "Paragon Papers" question came up.

the matter, inasmuch, as it was a national security matter

WFO 65-11613

of the highest classification and that he (DEAN) would interrupt such questions if present. He recalled receiving the same instructions from Mr. ELLICHMAN in late March or April, 1973. He never discussed the burglary with HUNT or LIDDY.

Concerning a current newspaper story that HUNT reportedly tried to talk to Mr. COLSON sometime later about the burglary, COLSON recalled a chance meeting with HUNT one morning in his outer office. HUNT was waiting for him but Mr. COLSON could not recall when the meeting took place. HUNT told him that he was on his way to give a briefing on what "they" had learned about ELLSBERG, and that he had about a half an hour before the briefing and he wanted to talk to COLSON about it. COLSON told HUNT he did not have time to talk to him then, that he was in a hurry. HUNT did not try to broach the subject matter again.

Concerning the memorandum from COLSON to JON HUNTSMAN dated September 13, 1971, requesting in accordance with an earlier arrangement the reimbursement of HUNT for the following expenses: Air fares for two men from New York City to Washington, D. C. \$68.00; Dinner check, Miami - \$33.65; Hotel bill for three men, Los Angeles - \$156.90, COLSON advised as follows:

COLSON furnished a copy of this memorandum from his own office files to the Federal Bureau of Investigation in the summer of 1972 when he was asked about HUNT's travel. This was the first occasion on which he had seen the memorandum and he did not know to what the entries on the memorandum related or the identity of the three men referred to in the memo. COLSON never saw any of HUNT's vouchers or claims for reimbursement. These were initialed and submitted by COLSON's secretary.

Concerning a recent newspaper story according to which BILL BRENN reported he requested funds from COLSON for accelerating the effort to acquire information about the HUNT, COLSON could not recall HUNT asking him for money and the way to accelerate the effort to acquire information

WFO 65-11613

that at about that time Mr. ENRICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with Mr. ENRICHMAN later, ENRICHMAN could not recall the request.

From time to time COLSON saw memoranda prepared for the White House group working on the Pentagon Papers investigation, but he saw no reports prepared by that group. The memoranda which were shown to him by HUNT because of COLSON's general interest in the issue of the Pentagon Papers, spoke of HUNT's frustrations trying to get things done in the Plumbers' unit and HUNT's analyses of the investigation. COLSON saw nothing related to the psychological study of ELLSBERG. The normal channel for papers generated by the Plumbers was to EGIL KROGH and DAVID YOUNG. COLSON had no information about the whereabouts of results of investigation conducted by that group.

COLSON had no knowledge of other illegal activities engaged in by the group conducting the Pentagon Papers investigation on behalf of the White House.

FEDERAL BUREAU OF INVESTIGATION

5/17/73

Date of transcription

CHARLES W. COLSON, former Special Counsel to the President, was reinterviewed May 16, 1973, in the presence of his attorneys DAVID SHAPIRO and JUDAH BEST in their office, 1735 New York Avenue, N.W., Washington, D. C. (HOC). COLSON voluntarily signed a Waiver of Rights (FD 395).

COLSON's attention was directed to a statement he furnished the Federal Bureau of Investigation (FBI) in an earlier interview May 8, 1973, wherein he said he could not recall BOB KROGH asking him for money for the trip by the special unit to California but had a vague recollection that at about that time JOHN EARLICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with EARLICHMAN, EARLICHMAN could not recall the request. COLSON furnished the following additional information:

The statement COLSON gave the FBI on May 8, 1973, is correct. COLSON does not recall KROGH asking for funds for the special unit's trip to California. If KROGH did make such a request however, he would have asked on EARLICHMAN's behalf.

Subsequent to interview of May 8, 1973, COLSON checked with some people he might have gone to then if he had needed funds. At the time the request would have been made, COLSON was helping to raise money for the Committee for New Prosperity, organized to generate public support for the Administration's price freeze. JOSEPH BAROODY of the public relations firm of Wagner and Baroody, WDC, was setting up and organizing this committee. One of the people he checked with was BAROODY. BAROODY recalled COLSON had called him one day and asked him for \$5,000, saying the White House needed cash and could he (BAROODY) make it available. BAROODY could not recall the specific date of this call nor could COLSON. BAROODY told COLSON that COLSON asked him to deliver this money to KROGH and that he

Interviewed on 5/16/73 at Washington, D. C. File # 65-11613

and

5/17/73

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(BAROODY) delivered the money to KROGH's office.

Asked why he would go to BAROODY for funds, COLSON said BAROODY was a friend and BAROODY may have had money available from funds of the Committee for New Prosperity. The money actually, according to COLSON, came from BAROODY's personal funds and was repaid to him by COLSON within a couple of weeks with money COLSON was able to obtain later from a political committee in WDC. COLSON could not recall the name of the political committee except that it was "Good Government something or other."

COLSON said it was not a common practice to raise funds in this way but it was still not uncommon either. H. R. HALPERMAN or JOHN EHRLICHMAN at times approached him with requests for financial support "for White House projects." COLSON's job was to maintain liaison with groups outside the White House and at times obtain financial support for the projects from other than White House funds. He recalled getting out a booklet on "Appropriated Funds and Government" with outside support.

Concerning financial support for the special unit under KROGH at the White House investigating the public disclosure of the Pentagon Papers, COLSON had no knowledge of the existence of a special fund to support its activities, or other funds that may have been used to support it and received no other requests to assist in its support. HOWARD HUNT was paid a consulting fee, when working, as a member of COLSON's staff. REGIL KROGH and DAVID YOUNG were then members of the White House staff, KROGH with the Domestic Council and YOUNG with the National Security Council. COLSON did not know under what arrangements GORDON LIDBY worked with the unit.

LA 105-27952

On May 23, 1973, Special Agents of the FBI contacted [REDACTED] at the office of his attorney, JEROME POWELL, 1250 Connecticut Avenue, North West Washington, D.C., and he was advised the nature of the contact was to interview him regarding the report that he had furnished \$5,000 to the office of EGIL KROGH in September 1971. Mr. POWELL stated he would confer with [REDACTED] and determine if and when [REDACTED] could be interviewed.

Subsequently, POWELL advised [REDACTED] would be available for interview on May 30, 1973, and attached hereto are the results of that interview:

funds precisely. He had money belonging to both the Committee for New Prosperity, company and personal funds. The money may have been drawn from a mixture of these funds.

On the same day the request was received [REDACTED] brought the money in cash in an envelope to COLSON's office at the Executive Office Building (LOB). He believes COLSON then told him to take the money to another office in the same building and deliver it to whoever was present. He could not recall to what office he then delivered the money. It was located in the LOB, on the same floor with COLSON's office and may have also been on the same corridor with COLSON's office.

[REDACTED] gave the money to an unknown man in the office designated by COLSON. He did not receive a receipt and had no discussion with this person about the cash. Whether it was KROGH who took the money from him, PARSONS could not say. To his knowledge, [REDACTED] has never met KROGH, DAVID YOUNG, HOWARD HUNT or GORDON LINDY.

[REDACTED] was repaid the money about a week or ten days later through arrangements made by COLSON. COLSON did not personally repay the loan. Either COLSON, or someone from COLSON's office notified him arrangements for repayment had been made and that [REDACTED] could pick the money up at GEORGE WEBSTER's law office.

[REDACTED] went to WEBSTER's office, then located on Jefferson Place, N.W., WDC. He was told WEBSTER was not present but a woman in that office, possibly WEBSTER's personal secretary gave him the money. He does not believe he executed a receipt for it. He did not know how WEBSTER's office got the money.

[REDACTED] has no knowledge of the use made of the money he delivered for COLSON nor did he receive any additional, similar requests from COLSON for cash in this time frame of 1971.

WFO 65-11613

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Concerning the sum of money requested by COLSON, while he cannot recall the amount asked, [REDACTED] feels the sum he delivered came close to fulfilling the request. He may not have been able to deliver the total amount asked and may have "missed by a little bit".

COLSON called [REDACTED] sometime within the past two or three weeks, trying to "pin down information about the loan". COLSON was looking for the same information he [REDACTED] was then furnishing to the FBI.

Mr. POWELL advised GEORGE WEBSTER is currently associated with the WDC law firm of Webster and Kilcullen.

LA 105-27952

JOHN D. EHRLICHMAN, former advisor to the President was contacted by FBI Agents on two occasions, and submits to questioning.

FEDERAL BUREAU OF INVESTIGATION

4/30/73

Date of transcription

JOHN D. EHRLICHMAN, Adviser to the President, was contacted in his office at the Executive Office of the President.

It was explained to Mr. EHRLICHMAN that this interview was being conducted at the specific request of the Justice Department. He was told that information had been received alleging that on an unspecified date the offices of an unnamed psychiatrist retained by DANIEL ELLSBERG, had been burglarized apparently to secure information relating to ELLSBERG. Mr. EHRLICHMAN was advised the purpose of this interview was to learn what knowledge he might have concerning this alleged burglary.

Mr. EHRLICHMAN recalled that sometime in 1971, the President had expressed interest in the problem of unauthorized disclosures of classified government information and asked him to make inquiries independent of concurrent FBI investigation which had been made relating to the leak of the Pentagon Papers. Mr. EHRLICHMAN assumed this responsibility and was assisted in this endeavor by EGIL KROGH, a White House assistant, and DAVID YOUNG of the National Security Agency. A decision was made by them to conduct some investigation in the Pentagon Papers leak matter "directly out of the White House." G. GORDON LIDDY and E. HOWARD HUNT were "designated to conduct this investigation."

Mr. EHRLICHMAN knew that LIDDY and HUNT conducted investigation in the Washington, D. C. area and during the inquiries were going to the west coast to follow up on leads. There was information available that ELLSBERG had emotional and moral problems and LIDDY and HUNT sought to determine full facts relating to these conduct traits. HUNT endeavored to

Interviewed on 4/27/73 at Washington, D. C. File # 65-11613

by [redacted] and [redacted]

4/30/73

prepare a "psychiatric profile" relating to ELLSBERG. The efforts of LIDDY and HUNT were directed toward an "in depth" investigation of ELLSBERG to determine his habits, mental attitudes, motives etc."

Although Mr. EHRLICHMAN knew that LIDDY and HUNT had gone to California in connection with the above inquiries being made by them, he was not told that these two individuals had broken into the premises of the psychiatrist for ELLSBERG until after this incident had taken place. Such activity was not authorized by him, he did not know about this burglary until after it had happened, he did "not agree with this method of investigation" and when he learned about the burglary he instructed them "not to do this again."

Mr. EHRLICHMAN does not recall who specifically reported to him about the above-mentioned burglary but it was verbally mentioned to him. He does not know the name of the psychiatrist involved nor the location of this individual. He does not know whose idea it was to commit this burglary. Mr. EHRLICHMAN has no knowledge whether anything was obtained as a result of this activity.

FEDERAL BUREAU OF INVESTIGATION

5/1/72

Date of transcription

JOHN B. HELLICHMAN, former Assistant to the President, was interviewed in the presence of his attorneys, JAMES WILSON and IRVING H. BERLINER in their offices at 815 15th Street, N.W., Washington, D. C.

Mr. HELLICHMAN was advised that he was being contacted at the request of the Department of Justice to determine if he has any knowledge regarding the whereabouts of results of investigation conducted by the White House including reports, memoranda or other data concerning the "Pentagon Papers" case, any defendants in that case or any members of families of defendants.

Mr. HELLICHMAN furnished the following information:

There must be papers covering investigation of DANIEL BISHOP. Mr. HELLICHMAN recalled a request to prepare a psychiatric profile on BISHOP. It has been over a year, however, since Mr. HELLICHMAN has seen anything on the "Pentagon Papers" investigation.

As regards defendant ANTHONY RUSSO, Mr. HELLICHMAN had heard nothing of this individual until after his indictment.

Regarding members of families of defendants, Mr. HELLICHMAN recalled seeing FBI reports which had information about BISHOP's wife.

Mr. HELLICHMAN noted he had also seen FBI reports containing information about RUTH SHERRILL of "The New York Times."

Mr. HELLICHMAN maintained a newspaper clipping file on the "Pentagon Papers" case which he kept in a file

Interviewed on 5/1/72 at Washington, D. C. File # 65-11612
by [REDACTED] and [REDACTED] GCHQ: [REDACTED] Date dictated 5/1/72

cabinet. This file has since been sent to the President's files, however, and Mr. BELMONT said the material was now in "Archives".

White House investigation concerning the "Pentagon Papers" matter was handled out of the office of BILL MOHR and DAVID YOUNG. The results of that investigation must have been maintained there. Mr. BELMONT did not know the whereabouts of what MOHR, YOUNG, HOWARD HUNT and GORDON LINDY produced as a result of their investigation.

Mr. BELMONT reiterated he has not seen any material covering White House investigation of the "Pentagon Papers" case for more than a year.

Mr. BELMONT noted stories had been published in the newspaper today quoting information he furnished the FBI last Friday and he objected to this disclosure of information.

Mr. WILSON stated he wanted Mr. BELMONT's objection to disclosure of information made a matter of record.

LA 105-27952

H. R. HALDEMAN, former assistant to the President was contacted by FBI Agents and submits to questioning in the presence of his attorneys.

5/1/73

Date of transcription

1
H. R. HALDEMAN, former Assistant to the President, was interviewed in the presence of his attorneys, JOHN WILSON and FARMIL H. STROGGER in their offices at 615 15th Street, N.W., Washington, D. C.

Mr. HALDEMAN was advised he was being contacted at the request of the Department of Justice to determine if he has any knowledge of the whereabouts of results of any investigation conducted by the White House including reports, memoranda or other data concerning the "Pentagon Papers" case, any defendants in that case or any members of families of defendants.

Mr. HALDEMAN said he had no knowledge of any investigation conducted by the White House regarding the "Pentagon Papers" nor any information about the existence or whereabouts of results of such investigation.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613
by [redacted] and [redacted]
[redacted] Date dictated 5/1/73

SECRET

LA 105-27952

JOHN W. DEAN, on the advice of his attorney,
declines to be interviewed by FBI Agents.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/30/73

1
JOHN W. DEAN, Counsel to the President, was contacted at his office at the Executive Office of the President. Upon arrival at this office his attorney, CHARLES N. SHAFFER whose office is located at 1250 Connecticut Avenue, N.W., Washington, D. C., was present. Mr. SHAFFER requested that he be present during the interview of Mr. DEAN.

It was explained to Mr. DEAN that this interview was being conducted at the specific request of the Department of Justice. It was pointed out that information had been received alleging that on an unspecified date G. GORDON LIDDY and E. HOWARD HUNT had burglarized the offices of an unnamed psychiatrist engaged by DANIEL ELLSBERG, apparently to secure information from the psychiatrist's files relating to ELLSBERG.

Mr. DEAN was advised the purpose of this interview was to determine any facts known to him concerning this alleged burglary.

At this juncture attorney SHAFFER interjected that just prior to the time of this interview he had read a public news report that U.S. District Court Judge MAIT BYRNE, who is presiding in the "Pentagon Papers" trial in Los Angeles, California, had read in open court a memorandum prepared by Assistant U.S. Attorney EARL J. SILBERT. This memorandum revealed that information had been received that GORDON LIDDY and HOWARD HUNT had burglarized the offices of a psychiatrist for DANIEL ELLSBERG.

Mr. SHAFFER then stated that as his attorney he was advising his client, JOHN W. DEAN, to say nothing concerning this matter. Mr. DEAN remained mute. This interview was thereupon terminated.

Interviewed on 4/27/73 at Washington, D. C. File # 65-11613
by [REDACTED] and [REDACTED] 4/30/73

LA 105-27952.

DAVID R. YOUNG, upon contact by FBI Agents, defers an interview pending his appearance before the Grand Jury and subsequently, his attorney advises YOUNG not to submit to an FBI interview.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/2/731

LEONARD GARMENT, Counsel to the President, advised 4:30 pm, May 2, 1973. DAVID YOUNG has been in GARMENT's office since 3:00 pm discussing with GARMENT his contact with the Pentagon Papers as an employee of the White House. GARMENT said the question of Executive Privilege has come up and because he is not familiar with background in this matter he must have time to study the situation before he can let YOUNG talk to the Federal Bureau of Investigation (FBI). GARMENT said he is not trying to put off FBI, Department of Justice or the Court and will advise the FBI as soon as he has reached a decision. He will advise the FBI tomorrow am concerning progress.

Interviewed on 5/2/73 at Washington, D.C. File # WFO 65-11613

by [REDACTED]with [REDACTED]

.189-

Date dictated

5/2/73

1

Date of transcription—5/3/73—

DAVID R. YOUNG was contacted at the Executive Office of The President on May 3, 1973. He advised that since learning he was being subpoenaed to appear on May 4, 1973, before the Grand Jury in U. S. District Court, Washington, D. C., he feels he should respond to this subpoena before lending himself to an interview by representatives of the Federal Bureau of Investigation (FBI). Promptly upon completion of his appearance before the Grand Jury, he will contact the FBI to arrange for an interview.

David R. Young

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72
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Interviewed on 5/3/73 at Washington, D. C. File # WFO 65-11613
by [REDACTED] ELG/ugb Date dictated 5/3/73

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/16/73

1

Mr. ~~ANTHONY J. LAPHAM~~, Attorney, 725 15th Street, N.W., Washington, D. C., telephonically advised that he represents Mr. DAVID YOUNG.

Mr. LAPHAM stated that due to the complex nature of the so-called Watergate and ELLSBERG cases, he has not had sufficient time to research the known facts as to how they concern his client, Mr. YOUNG.

He and Mr. YOUNG are presently conferring with Mr. EARL SILBERT, the Principal Assistant United States Attorney who is handling presentation of witnesses to the Federal Grand Jury at Washington, D. C., concerning the Watergate matter.

In view of this, he does not feel it would be proper to subject Mr. YOUNG to an independent FBI interview at the present time.

Interviewed on 5/11/73 at Washington, D. C. File # WFO 65-11613

5/15/73

LA 105-27952

JON M. HUNTSMAN, former administrative officer to the White House submits to being interviewed by FBI Agents and relates his duties and knowledge of E. HOWARD HUNT.

FEDERAL BUREAU OF INVESTIGATION

5/5/73

Date of transcription

JON H. HUNTSMAN, 5315 Falmouth Road, Spring Hill, Bethesda, Maryland, was advised he was being contacted at the request of the Department of Justice to determine if he could recall details about a memorandum to him from CHARLES COLSON, former counsel to the President, dated September 13, 1971 requesting in accordance with an earlier arrangement the reimbursement of HOWARD HUNT for the following expenses: Air fare for two from New York City to Washington, D.C. - \$68.00; dinner check, Miami - \$35.65; hotel bill for three men - Los Angeles - \$155.90.

Mr. HUNTSMAN furnished the following information:

Mr. HUNTSMAN was employed as Administrative Officer to the White House from February 1971 - February 1972. His principle assignment during that time was to supervise the flow of Presidential papers, i.e., papers directed to the attention of the President and the outward flow of documents and other material generated in the Office of the President. Lesser duties involved assignments of office space at the White House, determination of mess rights, approval of payroll and other expense matters submitted by senior officials at the White House.

Sometime in mid 1971 Mr. HUNTSMAN recalled CHARLES COLSON, then Counsel to the President, called him and told him something to the effect an additional consultant was coming on his staff and that his name was HUNT. Mr. HUNTSMAN did not recall the terms of HUNT's employment. That information is available in the White House personnel office. It was Mr. HUNTSMAN's understanding that HUNT would be working for COLSON and on that basis, Mr. HUNTSMAN would have made reimbursement payments to HUNT on COLSON's authority. HUNT would not have submitted claims for reimbursement directly to Mr. HUNTSMAN, but only through HUNT's superior.

Interviewed on 5/5/73 at Bethesda, Maryland File # WFO 65-11613
by [redacted] and [redacted] Date dictated 5/5/73

Mr. HUNTSMAN assumed COLSON told him that since HUNT was a consultant to the White House, the normal process for payment of HUNT's expenses could be followed. A bonafide consultant's fees would be paid by the White House and it was Mr. HUNTSMAN's responsibility to approve these payments.

Concerning the September 1971 request from COLSON for reimbursement of HUNT's expenses, Mr. HUNTSMAN has no recollection of this item, information about the particulars of the request, or how these expenses were incurred. He did not know who the three men were who used the Los Angeles hotel as indicated in the request.

Mr. HUNTSMAN has never met HUNT and knows nothing about HUNT's duties while HUNT was employed by the White House. He had no knowledge about any investigation conducted on behalf of the White House into the "Pentagon Papers" case nor about an alleged burglary of the office of Doctor D. M. HILSBORN's psychiatrist by HUNT and G. GORDON LIDDY during the course of that investigation.

As regards LIDDY, Mr. HUNTSMAN could not recall LIDDY's name ever coming to his attention as a member of the White House staff.

In conclusion, Mr. HUNTSMAN observed that he had no responsibility to determine the consultants' roles and no responsibility in policy or operational matters at the White House.

LA 105-27952

134
BRUCE ~~X~~HERLI, Administrative Officer for the White House is interviewed by FBI Agents and advises of no knowledge relevant to the investigation.

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

DAVID L. BROWN, Administrative Officer for the White House, advised that in 1971, he worked as Staff Assistant for H. R. HILLMAN, former Assistant to the President.

Neither at that time nor since that time has he been aware of any investigations conducted out of the White House concerning any leaks of government information. Specifically, he knows of no investigations conducted by G. GORDON LLOYD or D. EDWARD LLOYD relating to the Pentagon Papers matter. He has never seen or heard of any reports or communications dealing with the Pentagon Papers investigation made by anyone connected with the White House.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11612

by [REDACTED] and [REDACTED]

-196-

JAG:jvt

Date dictated

5/1/73

LA 105-27952

V. INVESTIGATION REGARDING ANY
KNOWLEDGE WITHIN THE
DEPARTMENT OF JUSTICE
OF ACTIVITY OF LIDDY
AND HUNT IN RELATION TO
THE BURGLARY OF
DR. FIELDING'S OFFICE

On May 8, 1973, Prosecutor DAVID R. NISSEN advised [REDACTED] that Judge BYRNE had ordered he and his two associates on the prosecution team, Assistant United States Attorney (AUSA) WARREN REESE and AUSA RICHARD BARRY, to submit affidavits to Judge BYRNE for his in camera inspection regarding any knowledge of LIDDY and HUNT'S activities or information received from them which would have been of use in the trial. In addition, affidavits were to be submitted by members of the Department of Justice who were involved in the preparation of the trial. NISSEN stated this would be Section Chief JOHN MARTIN and his assistants. NISSEN stated that neither he, REESE, BARRY, nor MARTIN had any such knowledge and were submitting affidavits to that effect.

Set forth hereto is an FBI interview of ROBERT C. MARDIAN, former Assistant Attorney General of the United States on April 30, 1973.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 1, 1973

On April 30, 1973, Mr. ROBERT C. MARDIAN, 2323 North Central Avenue, Phoenix, Arizona, appeared in the office of the FBI at Phoenix and was apprised of the allegation that on an unspecified date, G. GORDON LIDDY and E. HOWARD HUNT, defendants in the Watergate Case, burglarized the offices of DANIEL ELLSBERG's psychiatrist, Dr. LEWIS J. FIELDING, 450 West Bedford Drive, Beverly Hills, California. Mr. MARDIAN was, thereupon, asked if he had at any time acquired any knowledge of the alleged burglary by LIDDY and/or HUNT. Mr. MARDIAN answered: "At no time while I was Assistant Attorney General of the United States did I acquire any knowledge of any alleged burglary by GORDON LIDDY and/or E. HOWARD HUNT or by anyone else. I have not had any prior knowledge in any capacity. If I were to answer the question any more fully, I might violate laws pertaining to attorney-client privilege. I would be willing to explain my answer voluntarily and more fully in an in camera proceeding."

Interviewed on 4/30/73 at Phoenix, Arizona File # Phoenix 65-1117

by [REDACTED] and [REDACTED]

Special Agent in Charge

Date dictated 4/30/73

VI. INVESTIGATION RELEVANT TO QUESTION
OF CENTRAL INTELLIGENCE AGENCY TO
E. HOWARD HUNT

This section deals with an investigation into the scope of Central Intelligence Agency (CIA) assistance furnished to E. HOWARD HUNT and contains an affidavit furnished by General ROBERT E. CUSHMAN, United States Marine Corps, a newspaper account relating to the matter, and a "Memorandum for the Record," which was a court exhibit. The latter was made available by Judge BYRNE as a public record.

AFFIDAVIT

STATE OF VIRGINIA)
COUNTY OF FAIRFAX) ss:

I, General Robert E. Cushman, Jr., USMC, being first duly sworn,
depose and say:

1. I was the Deputy Director of Central Intelligence from 7 May 1969 to 31 December 1971.

2. I wish to state unequivocally that I had no knowledge before or after the fact of any illegal or unethical acts.

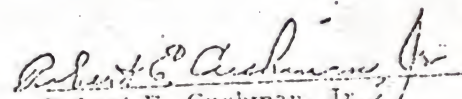
3. About 7 July 1971, Mr. John Ehrlichman of the White House called me and stated that Howard Hunt was a bona fide employee, a consultant on security matters, and that Hunt would come to see me and request assistance which Mr. Ehrlichman requested that I give. I wish to explain here that the Central Intelligence Agency comes under the authority of and works for the National Security Council which is, of course, the President himself advised by such assistants as are named in the National Security Act of 1947. I had known Mr. Ehrlichman for a good ten to twelve years and respected him highly as a man of complete honesty and devotion to duty. I also knew that he was one of the three Chiefs of Staff, as it were, to the President and that therefore he spoke with the authority of the President's name. This was also a time when the national security aspects of leaks of intelligence information were of great concern within the Government. Ehrlichman had been named within the White House as the man in charge of stopping security

leaks and overhauling the security regulations. The Central Intelligence Agency is charged with safeguarding intelligence sources and methods. From these facts, I then drew the following conclusion, which I believe any reasonable man would have reached, namely, that Howard Hunt had been hired by the White House to act in the security field and that the Central Intelligence Agency was being ordered to assist him.


4. Following this 7 July call, Mr. Hunt called on me in my office on 22 July 1971 and stated that he had a very sensitive one-time interview that the White House wanted him to hold with a person whose ideology he was not too sure of and that he dare not reveal his, Hunt's true identity. The White House therefore wanted assistance from our technical services in providing him with an identity which would be other than his own. He, of course, after twenty years in the CIA knew well that we had this capability. It must be recalled that Mr. Howard Hunt was a highly respected and honorably retired CIA employee of twenty years' service. I was not able to elicit any details of the interview which he stated that he had to conduct and he said that on White House orders he was not to reveal the nature and scope of this interview nor of the fact that he worked for the White House. He did assure me, however, that he was working to a good purpose in the interests of the country. Upon his assurance that this was, in his words, a "one-time operation -- in and out," I authorized the Technical Services Division to give him the necessary papers and disguise to enable him to conduct this interview so that he would not be known nor could he be recognized later. To the best of my recollection, I reported this a few days later to the

Director of Central Intelligence, Mr. Richard Helms, and he assented to what I had done. Toward the latter part of August 1971, it was reported to me that Mr. Hunt was becoming more and more unreasonable and demanding and was attempting to go far beyond the scope of the original instructions which I had given and which related to his statement that he had a one-time interview operation to conduct. I therefore immediately stopped all relationships with Mr. Hunt and gave instructions to that effect to the Agency. I called Mr. Ehrlichman on that matter on 27 August 1971, and I said that we cannot give such assistance because it might possibly be construed as involving the Agency in improper activities. I then explained the constraints on the Agency and finally advised Ehrlichman that the Agency would not have anything further to do with Hunt. I also advised him that in my opinion Mr. Hunt was of questionable judgment. He should know better than to even ask for such support. Therefore, I made this recommendation to Mr. Ehrlichman for him to do with as he deemed proper.

5. In conclusion, I wish to state that what I did was perfectly proper and was done in conformity with orders from higher authority. As soon as I found out that the individual involved, Mr. Howard Hunt, was not exercising proper judgment and was exceeding what I considered proper, I so reported it to his superior in the White House and to Mr. Helms. This stopped all further dealings with Mr. Hunt.


Robert E. Cushman, Jr.
General, USMC

Subscribed and sworn to before me this 11th day of August, 1973.


Notary Public

My Commission expires 5 October 1973

(Mount Clipping in Space Below)

Marine Chief Hits Ruse Used to Get CIA Items for Break-in

Would Not Have Permitted
Use for Illegal Project,
Ex-Agency Official Says

BY WILLIAM FARR

Times Staff Writer

"I certainly feel I was put upon," Marine Corps Commandant Robert Cushman Jr. said Tuesday about the deception used in getting him to issue CIA equipment to persons involved in the break-in at the office of Daniel Ellsberg's psychiatrist.

The 55-year-old former deputy director of the CIA made the remark to newsmen after emerging from a half-hour appearance before the Los Angeles County Grand Jury.

Cushman's comment about being "put upon" specifically referred to E. Howard Hunt, who was a White House consultant at the time he sought help from the CIA in the summer of 1971.

The four-star general stopped short of being similarly critical of former presidential adviser John D. Ehrlichman, who called him July 7, 1971, and asked him to "give a hand" to Hunt on a national security matter.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles
Los Angeles, Calif.

Date: 5/30/73
Edition: Wednesday fir
Author: William Farr
Editor: William Thom
Title:

Character:

or

Classification:

Submitting Office: Los Ang

☐ Being Investigated

Request for CIA Assistance

Cushman said he had "no way of telling" whether Ehrlichman knew that Hunt had an illegal project in mind when he requested the CIA equipment.

"I took them at their word," he added.

He said he never would have authorized issuance of the equipment to Hunt had he known it would be used in connection with the break-in.

Asked if Ehrlichman mentioned the President during the July 7 conversation, Cushman replied, "I knew his (Ehrlichman's) position. He didn't have to mention anything."

As to whether Mr. Nixon approved the request for CIA assistance, the general said, "I would have no idea whether he OK'd it or even if he knew about it."

Cushman said Hunt came to his office 15 days after Ehrlichman's call and requested "papers and a disguise so he could conduct a very sensitive interview and not reveal his identity."

Hunt was given a false driver's license, eyeglasses, a wig and a speech alteration device at Cushman's direction, and later was issued a camera and small tape recorder.

"A puzzling aspect of this case is why he wanted that stuff. You would think he would have requested lock picks," Cushman said.

Asked if he would have issued lock picks had they been requested, Cushman said, "Oh Lord no."

Hunt has admitted planning the break-in along with another convicted Watergate coconspirator, G. Gordon Liddy, but the actual entry into the Beverly Hills office of Dr. Lewis J. Fielding was made by three Cubans.

Cushman said that he learned that Liddy also had obtained a disguise from the CIA, even though it had

not been specifically authorized. It was not until Hunt's involvement in the Fielding

Cushman said he became concerned about Hunt's "questionable judgment" by late August of 1971. The general said Hunt learned the CIA equipment was used in connection with the attempt to open an office and establishing a telephone monitoring system made him suspect that it was more than a one-time interview he was engaged in. Cushman was allowed to testify a week before full grand jury hearings on the break-in are scheduled.

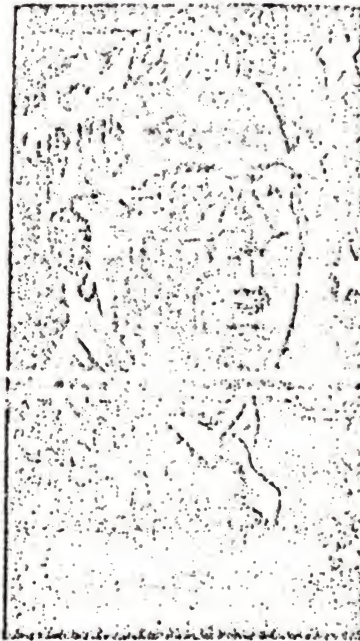
He called Ehrlichman to complain about Hunt's "escalation" of involvement with the CIA, the general said, adding Ehrlichman responded by saying, "OK, I'll restrain myself." The early appearance was arranged by Dist. Atty. Joseph Busch to allow Cushman to keep his scheduled military commitments.

"This let us off the hook," Cushman said.

Had Ehrlichman insisted on continuing CIA help for Hunt, Cushman said he would have had two alternatives, "I could go along or I could resign."

He said he heard no further about Hunt until the latter was arrested inside the Democratic headquarters at Watergate.

"For all I knew, he had dropped off the face of the earth," Cushman said.



Gen. Robert Cushman

LA 105-27952

VII. ELECTRONIC SURVEILLANCE AND
THE COURT'S RESPONSE

On May 10, 1973, Judge BYRNE read in open court, outside the presence of the jury, a United States Government Memorandum dated May 9, 1973, and which had been delivered to him by Prosecutor DAVID R. NISSEN. The cover letter and its memorandum are set forth in entirety as follows:

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Criminal Division

DATE: May 9, 1973

FROM : Acting Director, FBI *car*

SUBJECT:

Attached hereto is a brief memorandum concerning the ongoing investigation of alleged wire taps possibly relevant to the Elsborg case. My recommendation is that this memorandum be immediately filed with the Court.

Enclosure

May 9, 1973

PRELIMINARY REPORT CONCERNING ONGOING
INVESTIGATION OF POSSIBLE WIRE TAPS OF
NEWSPERSONS AND OTHERS

Shortly after assuming office as Acting Director of the FBI my attention was called to the newspaper allegation that FBI personnel had been wire tapping unidentified newsmen. I was also informed that a search of the FBI records had not disclosed the existence of any such wire taps. Nevertheless, on May 4, 1973, I initiated an investigation to interview present and retired FBI personnel for the purpose of determining, if possible, whether there had been any such taps. A preliminary report which I received last night indicates that an FBI employee recalls that in late 1969 and early 1970 Mr. Ellsberg had been overheard talking from an electronic surveillance of Dr. Morton Halperin's residence. It is this employee's recollection that the surveillance was of Dr. Halperin and that Mr. Ellsberg was then a guest of Dr. Halperin.

I have no information concerning the substance of the conversation nor has the investigation to date been able to find any record of such a conversation. The investigation, of course, is not complete and further facts bearing upon the wire taps may be uncovered. Nevertheless, in view of the Court's expressed desire for prompt information relating to this matter, I am at this time giving you this preliminary report which may be relevant to the trial now in progress.

Judge BYRNE then ordered the government to locate and supply the Court with answers to the following questions:

1. Was HALPERIN employed at the White House at the time of alleged surveillance.
2. How long did the alleged surveillance last.
3. The nature of the alleged surveillance.
4. Was it Court Ordered.
5. How many interceptions.
6. Are these records of conversations and interceptions.
7. Were the conversations recorded on tape or by monitor's notes.
8. If on tape were the tapes retained, retained and summarized, summarized and erased.
9. Why, when the Court had previously ordered electronic surveillance checks made, did HALPERIN'S name not come up until he became a consultant in this case.

After preliminary check, the Court was advised that any records pertaining to the alleged surveillance had not been located and a search was continuing.

The Court then added to its earlier order to include:

1. Why is there no record at the Department of Justice or the Federal Bureau of Investigation.
2. Were logs kept and do they exist.
3. Why can nothing be found.

4. Was HALPERIN overheard during the surveillance.

The court also ordered an electronic surveillance check be made on HALPERIN beginning on January 1, 1967.

The Court also ordered that a complete report be furnished on the investigation appearing in the title of the foregoing memorandum and how that related to the Pentagon Papers case.

As the government continued efforts to supply answers to the Court's preliminary orders, the Court added the following orders:

1. How many interceptions of DANIEL ELLSBERG during the alleged surveillance during 1969 and 1970.

2. Is there any other surveillance that the government is now becoming aware of, by way of testimony or statement, for which there are also no records. This order to include all members of the defense team besides the defendants. The Court advised that if an answer to this last order fell outside the Pentagon Papers case and related to any unrelated matter, the Court should be advised only of the status of that particular investigation, but not the specifics.

On May 11, 1973, at the morning convening of the Court, the Court was advised again of efforts to comply with his requests and the Court then heard dismissal motions presented by the defense.

The Court then adjourned the session until 1:00 p.m., May 11, 1973.

LA 105-27952

VIII. DISMISSAL OF CHARGES

At 1:45 p.m., May 11, 1973, Judge EYRNE reconvened the Court and issued the following ruling on dismissal motions submitted by the defense at the morning session. His ruling is attached hereto.

10.1

1 LOS ANGELES, CALIFORNIA; FRIDAY, MAY 11, 1973; 1:45 P.M.

2

3

THE COURT: Good afternoon.

4

5

Does the government have any additional information?

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9

MR. NISSEN: Your Honor, I have contacted Washington to see if any additional information is forthcoming. At this time they have nothing, but hope to have some shortly.

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THE COURT: I am going to submit a copy. I will mark this as a Court's trial exhibit. It is an anonymous telephone call. There have been several over the last few days. You may have a copy of my secretary's notes on it for each side, if you desire. Do you have a copy?

16

17

THE CLERK: This will be marked Court's Trial Exhibit 74 for identification.

18

19

(Said exhibit was marked Court's Trial Exhibit 74 for identification.)

20

21

THE COURT: Are you ready to proceed in light of that?

22

23

MR. BOUDIN: Yes.

24

25

THE COURT: All right, I am prepared to rule on the motion for dismissal. I recognize that the defendants desire a ruling on the motion for judgment of acquittal.

1 before I rule on the motion to dismiss the indictment.

2 As I mentioned to you the other day,
3 I wanted before me all dispositive motions in this case,
4 and if I was of the opinion that they were of merit we
5 would proceed in that regard. I have reviewed the papers,
6 as we have throughout the trial, and I have gone over the
7 issues that are presented in the various counts.

8 As I mentioned yesterday, the motion for
9 judgment of acquittal goes to the question of whether all
10 facts in the light most favorable to the government would
11 be sufficient to sustain a judgment of conviction. I believe
12 from my review, the motion for judgment of acquittal would
13 not be dispositive of all of the issues and counts that
14 are involved in this case, and that only by going to the
15 jury for determination of some of the issues would the
16 defendants have an opportunity to be acquitted on all counts.

17 Now, I believe that the defendants, if
18 they desired, would have the right, as I have said before, to
19 go to the jury, and to resolve the issue of taint, if there
20 be taint, subsequent to the verdict. I am convinced from
21 the record of the past couple of weeks, and particularly of
22 the last couple of days, that it would not be possible to
23 have a sufficient hearing, a hearing sufficient in scope,
24 to resolve all of the issues that have been raised in a
25 reasonable period of time, and to do that before submitting.

1 the case to the jury would be impossible in the ordinary course
2 of litigation. However, all of the remedies, all of the
3 rights, all of the protections of the defendants would be
4 available post trial for a motion for a new trial and
5 setting aside a verdict, if there be such a verdict.

6 I believe that the only remedy other
7 than post-trial hearing would be mistrial, which the
8 defendants have not requested and have opposed, or dismissal.
9 I have been considering the dismissal motion because that
10 is the motion that is before me. If the defendants now
11 believe that their rights would be injured by such a
12 determination, then obviously that choice is theirs. They
13 may elect to go to the jury and leave for post-trial
14 determination the issue of taint, as I have already
15 discussed.

16 However, as I say, I am prepared to
17 rule on the motion for dismissal at this time. The motion
18 has been presented at this time, and I feel that I must
19 evaluate it as it appears at the present time, if the
20 defendants so desire, and that will be what I shall do if
21 that continues to be your desire.

22 DEFENDANT RUSSO: May we have a moment, your
23 Honor?

24 THE COURT: Yes.

25 (Brief pause.)

1 MR. BOUDIN: Can I respond very briefly to
2 your Honor?

3 THE COURT: Yes.

4 MR. BOUDIN: The answer will be in the
5 affirmative. The defendants do press their motion, the
6 motion now pending, even the motions previously decided
7 going back to November 1972, and certainly the motions now
8 before your Honor, the broad ones for dismissal of the
9 indictment upon the totality of governmental misconduct,
10 including the suppression of evidence, the invasion of the
11 physician-patient relationship, the illegal wiretapping,
12 the destruction of relevant documents and the disobedience
13 to judicial orders.

14 This statement of particulars is not
15 intended to be complete.

16 THE COURT: All right.

17 Mr. Weinglass, do you join?

18 MR. WEINGLASS: I join.

19 THE COURT: All right.

20 This ruling is based upon the motion in
21 that scope that Mr. Boudin has just stated. It is not
22 based solely on the wiretap, nor is it based solely on the
23 break-in and the information that has been presented over
24 the last several days.

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1 Commencing on April 26, the Government
2 has made an extraordinary series of disclosures regarding
3 the conduct of several governmental agencies regarding
4 the defendants in this case. It is my responsibility
5 to assess the effect of this conduct upon the rights of
6 the defendants. My responsibility relates solely and only
7 to this case, to the rights of the defendants and their
8 opportunities for a fair trial with due process of law.

9 As the record makes clear, I have attempted to
10 require the government and to allow the defendants to
11 develop all relevant information regarding these highly
12 unusual disclosures. Much information has been developed,
13 but new information has produced new questions, and there
14 remain more questions than answers.

15 The disclosures made by the government demonstrate
16 that governmental agencies have taken an unprecedented
17 series of actions with respect to these defendants. After
18 the original indictment, at a time when the government's
19 rights to investigate the defendants are narrowly circumscribed,
20 White House officials established a special unit to investigate
21 one of the defendants in this case. The special unit
22 apparently operated with the approval of the FBI, the
23 agency officially charged with the investigation of this
24 case.

25 We may have been given only a glimpse of what

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1 this special unit did regarding this case, but what we
2 know is more than disquieting. The special unit came to
3 Los Angeles and surveyed the vicinity of the offices of the
4 psychiatrist of one of the defendants. After reporting
5 to a White House assistant and apparently receiving
6 specific authorization, the special unit then planned and
7 executed the break-in of the psychiatrist's office in
8 search of the records of one of the defendants.

9 From the information received, including
10 the last document filed today, it is difficult to determine
11 what, if anything, was obtained from the psychiatrist's
12 office by way of photographs.

13 The Central Intelligence Agency, presumably
14 acting beyond its statutory authority, and at the request
15 of the White House, had provided disguises, photographic
16 equipment and other paraphernalia for covert operations.

11 fols.

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1 The government's disclosure also reveals
2 that the special unit requested and obtained from the CIA
3 two psychological profiles of one of the defendants.

4 Of more serious consequences is that
5 the defendants and the Court do not know the other activities
6 in which the special unit may have been engaged and what
7 has happened to the results of these endeavors. They do not
8 know whether other material gathered by the special unit
9 was destroyed, and though I have inquired of the government
10 several times in this regard, no answer has been forthcoming.

11 Though some governmental officials were
12 aware of the illegal activities of this unit directed at
13 the defendant, and thus at this case, the Court nor the
14 defendants nor, apparently, the prosecution itself was
15 ever aware of these facts until Mr. Silbert's memorandum,
16 and then not for some ten days after it had been written.

17 These recent events compound the record
18 already pervaded by incidents threatening the defendants'
19 right to a speedy and fair trial. The government has time
20 and again failed to make timely productions of exculpatory
21 information in its possession requiring delays and
22 disruptions in the trial.

23 Within the last forty-eight hours, after
24 both sides had rested their case, the government revealed
25 interception by electronic surveillance of one or more

1 conversations of defendant Ellsberg. The government can
2 only state and does only state that the interception or
3 interceptions took place.

4 Indeed, the government frankly admits
5 that it does not know how many such interceptions took place
6 or when they took place or between whom they occurred or
7 what was said. We only know that the conversation was
8 overheard during a period of the conspiracy as charged in
9 the indictment.

10 Of greatest significance is the fact
11 that the government does not know what has happened to the
12 authorizations for the surveillance, nor what has happened
13 to the tapes nor to the logs nor any other records
14 pertaining to the overheard conversations. This lack of
15 records appears to be present not only in the Justice
16 Department, but in the Federal Bureau of Investigation, from
17 the response forwarded by Mr. Petersen yesterday that the
18 records of both the FBI and the Justice Department appear
19 to have been missing.

20 The matter is somewhat compounded also
21 by the fact that the documents have been missing since the
22 period of July to October of 1971.

23 The FBI reports that, while the files
24 did once exist regarding this surveillance, they now
25 apparently have been removed from both the Justice Department

1 and the FBI files. As I stated, it is reported by the FBI
2 that the records have been missing since mid-1971.

3 There is no way the defendants or the
4 Court or, indeed, the government itself can test what effect
5 these interceptions may have had on the government's case
6 here against either or both of the defendants. A continuation
7 of the government's investigation is no solution with
8 reference to this case. The delays already encountered
9 threaten to compromise the defendants' rights, and it is
10 the defendants' rights and the effect on this case that is
11 paramount, and each passing day indicates that the
12 investigation is further from completion as the jury waits.

13 Moreover, the investigation is likely to
14 provide satisfactory answers where improper government
15 conduct has been shielded so long from public view and
16 where the government advises the Court that pertinent files
17 and records are missing or destroyed. My duties and
18 obligations relate to this case and what must be done to
19 protect the right to a fair trial.

20 The charges against these defendants
21 raise serious factual and legal issues that I would
22 certainly prefer to have litigated to completion. However,
23 as I just mentioned at the opening of this session, the
24 defendants have the right to raise these issues when they
25 desire. They desire to raise them now, and it is my

1 obligation and duty to rule on them now. However,
2 while I would prefer to have them litigated, the conduct
3 of the government has placed the case in such a posture that
4 it precludes the fair dispassionate resolution of these
5 issues by a jury.

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1 In considering the alternatives before
2 me, I have carefully weighed the granting of a mistrial
3 without taking any further action. The defendants have
4 opposed such a course of action, asserting their rights, if
5 the case is to proceed, to have the matter tried before
6 this jury. I have concluded that a mistrial alone would not
7 be fair.

8 Under all the circumstances, I believe
9 that the defendants should not have to run the risk, present
10 under existing authorities, that they might be tried again
11 before a different jury.

12 The totality of the circumstances of
13 this case which I have only briefly sketched offend "a sense
14 of justice." The bizarre events have incurably infected
15 the prosecution of this case. I believe the authority to
16 dismiss this case in these circumstances is fully supported
17 by pertinent case authorities, including United States v.
18 Eastern District, United States v. Coplon, United States v.
19 Apex Distributing, United States v. Heath, Rochin v.
20 California, and Rules 12, 16(g) and 48 of the Federal Rules
21 of Criminal Procedure.

22 I have decided to declare a mistrial and
23 grant the motion to dismiss.

24 I am of the opinion, in the present
25 status of the case --

1 MR. ROUBIN: Your Honor, I couldn't hear your
2 Honor's last statement. Forgive me.

3 THE COURT: I am of the opinion, in the present
4 status of the case, that the only remedy available that
5 would assure due process and the fair administration of
6 justice is that this trial be terminated and the defendants'
7 motion for dismissal be granted and the jury discharged.

8 The order of dismissal will be entered;
9 the jurors will be advised of the dismissal, and the
10 case is terminated.

11 Thank you very much, gentlemen, for your
12 efforts.

LA 105-27952

IX. NEWSPAPER ARTICLES

Attached hereto as a supplement to this report are copies of news articles that have appeared in the Los Angeles press relating to the Los Angeles County Grand Jury inquiry, into the burglary of Dr. FIELDING'S Office.

(Mount Clipping in Space Below)

Indictments to Be Sought in Break-in at Analyst's Office

BY WILLIAM FARR
Times Staff Writer

Four days of Los Angeles County grand jury hearings have been scheduled by Dist. Atty. Joseph Busch to seek indictments of those involved in the break-in at the Beverly Hills office of Daniel Ellsberg's psychiatrist, it was learned late Tuesday.

Sources close to the district attorney's office said that Busch has taken the following steps preparatory to the hearings June 5 through 8:

—Assigned Dep. Dist. Atty. Richard Hecht, who is heading the local investigation, and investigator William Burnett to Washington, D.C., to gather evidence there. They are to depart today.

—Assigned Dep. Dist. Atty. Stephen Trott to leave Thursday for Miami to question one of the three Cubans who reportedly entered the office of Dr. Lewis Fielding on the Labor Day weekend.

—Designated Dep. Dist. Atty. Richard Kalustian to monitor the daily proceedings in the Pentagon papers trial in U.S. Dist. Judge Matt Byrne's courtroom.

Silence on Inquiry

Busch declined to discuss his plans for the investigation with newsmen out of courtesy to Judge Byrne, who will be making some crucial decisions this week.

Hecht and Burnett are to meet in Washington with U.S. Dist. Judge John Sirica, who is presiding over the Watergate scandal proceedings, and Henry Petersen, who is in charge of the investigation for the U.S. Justice Department.

Hecht also plans to interview Rep. ...

... the ...

According to grand jury testimony ...

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles
Los Angeles, Calif.

Date: 5/9/73
Edition: Wednesday
Author: William Farr
Editor: William P.
Title: MC LEX

Character:

or

Classification: 105-2796
Submitting Office: Los Angeles

gate conspirator E. Howard Hunt, Jr., Barker and Martinez were two of the three Cubans recruited in Miami who actually entered Fielding's office.

The 37 pages of Hunt's grand jury testimony revealed that he and another sentenced Watergate participant, G. Gordon Liddy, planned the break-in at the request of White House aide Egil (Bud) Krogh.

Trott will talk in Miami to Felipe Di Diego, the third Cuban mentioned by Hunt as having taken part in the break-in at Fielding's office.

At the request of Busch, Attorney Gen. Richard Goodwin has served an administrative subpoena on Di Diego so that he can be questioned by Trott on Friday morning.

Range of Indictments

There is the possibility that indictments could reach as high as John Ehrlichman, the resigned director of domestic affairs for President Nixon. Krogh was Ehrlichman's top assistant at the time he authorized the burglary.

Ehrlichman conceded knowledge of the break-in during an FBI interview but claimed that he learned of the incident only after it occurred.

Busch also has assigned Investigator Jack Gitch to travel to Folsom Prison to interrogate Elmer Davis, who Beverly Hills police say confessed to the Fielding office break-in even though he was in jail at the time.

District attorney's investigators believe Davis has no relevant connection to the Ellsberg matter but they plan to make certain.

In a separate aspect of the district attorney's investigation, all police reports on Sept. 5, 1971, burglary at the Long Beach office of President Nixon's medical consultant have been turned over to Busch's staff.

Mr. Nixon's medical record was one of those rifled during the break-in at the office of Dr. John C. Lungren.

Investigators do not believe there is a connection between the matters of the Ellsberg and Nixon files. Long Beach detectives have pointed out that nine burglaries were committed at doctors' offices near Dr. Lungren's over a two-week period in September, 1971.

SECRET

(Mount Clipping in Space Below)

Busch May Report on Ehrlichman Bid Today

Former Nixon Aide Might Testify About Break-in at Ellsberg's Psychiatrist's Office

BY WILLIAM FARR

Dist. Atty. Joseph Busch is expected to reveal today the results of his effort to have former top White House aide John D. Ehrlichman tell the Los Angeles County Grand Jury what he knows about the break-in at the office of Daniel Ellsberg's psychiatrist.

Busch scheduled an 11 a.m. press conference after conferring with Dep. Dist. Atty. Richard Hecht and investigator William Burnett, who returned here from Washington, D.C., Tuesday after meeting with Ehrlichman and his attorneys.

Both Hecht and John J. Wilson, Ehrlichman's lawyer, declined to comment on the outcome of the brief meeting in Wilson's office Tuesday.

Gathering Evidence

Hecht and Burnett spent a week in the nation's capital gathering evidence and lining up witnesses to testify at the June 5 hearing. It was set by the local grand jury to look into the 1971 Labor Day weekend burglary at Dr. Lewis Fielding's Beverly Hills office.

Earl (Bud) Krogh, formerly a major assistant to Ehrlichman, and Charles Colson, ex-special counsel to the President, voluntarily accepted Hecht's invitation to testify about their knowledge of the burglary.

In return for promises of immunity, Hecht obtained agreements to testify from

(Indicate page, name of newspaper, city and state.)

I-27 Los Angeles Times
Los Angeles, Calif.

Date: 5/16/73
Edition: Wednesday final
Author: William Farr
Editor: William F. Thomas
Title: MC LEK

Character:

or

Classification: 105-27952
Submitting Office: Los Angeles

☐ Being Investigated

three participants in the Ellsberg break-in who are currently serving time in the District of Columbia jail on Watergate scandal convictions.

They are E. Howard Hunt, who already has told a federal grand jury that he helped plan the raid on Fielding's office; and Bernard Barker and Eugenio Martinez, two Cubans identified by Hunt as actually having entered the office.

A third Cuban reportedly involved, Felipe De Diego, also agreed to testify after Dep. Dist. Atty. Steven Trott offered him immunity during an interrogation session last week in Miami.

(Mount Clipping in Space Below)

Busch Believes Ehrlichman Is Willing to Testify

DA Says Ex-Nixon Aide
Seems Ready to Talk About
Elisberg Doctor's Break-in

BY WILLIAM FARR
Times Staff Writer

Dist. Atty. Joseph Busch said Wednesday that former White House aide John D. Ehrlichman has "expressed a willingness" to testify before a local grand jury looking into the break-in at the office of Daniel Ellsberg's psychiatrist.

However, Busch told a press conference that no formal agreement had been reached with President Nixon's former chief adviser on domestic affairs to appear during the June 5-8 hearing scheduled here.

Asked whether Ehrlichman would be subpoenaed if he did not voluntarily agree to appear, the district attorney said:

"That is one of the things we are discussing now."

Others Agreeing to Talk

In addition to reporting on the negotiations with Ehrlichman, Busch announced that the following "cast of characters" had agreed to testify at the hearings:

--Egil (Bud) Krogh, former key assistant to Ehrlichman; and Charles Colson, onetime special counsel to the President, both of whom have voluntarily agreed to appear.

--Convicted Watergate break-in participants H. Howard Hunt Jr., Bernard L. Barker and Eugenio R. Martinez, plus Felipe Deliego, one of their associates who lives in Miami Beach. All four have been

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

Date: 5/17/73
Edition: Thursday final
Author: William Farr
Editor: William F. T.
Title: MC LEE

Character:

or

Classification: 105-27952
Submitting Office: Los Angeles

Reportedly Planned Burglary

Hunt already has told a federal grand jury that he planned the 1971 Labor Day weekend burglary of Dr. Lewis J. Fielding's Beverly Hills office along with Watergate coconspirator G. Gordon Liddy.

Barker, Martinez and DeBiege reportedly all have admitted to district attorney investigators that they entered Fielding's office looking for Ellsberg's psychiatric records.

Busch also said Dep. Dist. Atty. Richard Hecht, while in Washington, D.C., this past week, started negotiations for the grand jury appearances of four other persons supposedly involved in the Ellsberg affair.

They were identified as Richard Helms, former CIA director and now U.S. ambassador to Iran; Gen. Robert Cushman, Marine Corps commandant who served as deputy CIA director under Helms; John Dean III, fired White House legal counsel, and Lacey.

Will Take Charge

Busch told reporters that he would personally present the case to the grand jury with the assistance of Dep. Dist. Attys. Hecht and Stephen Trott.

Busch said his staff also has contacted the attorney for recently resigned FBI Acting Director L. Patrick Gray to determine "whether or not a need exists for Mr. Gray to appear before our grand jury."

The grand jury investigation also would "inquire into the circumstances surrounding the alleged confession by Elmer Davis with respect to the Fielding entry," Busch added.

Beverly Hills police had closed the Fielding break-in case when Davis reportedly confessed to the burglary shortly after he was arrested Oct. 7, 1971, for stealing money from a purse at a Wilshire Blvd. dress shop.

Davis has denied making the confession and jail records show he

the burglary at Fielding's office because he was in custody at the time on a petty theft charge.

Busch said Davis, who is now serving time at Folsom prison, will be subpoenaed to appear before the grand jury.

Regarding the possibility of indictments being returned on the Fielding incident, Busch said:

"It would be premature to make any statement regarding possible criminal charges that may be considered at the present time until sworn grand jury testimony has been received and evaluated in the matter."

Busch said he and federal prosecutors involved in the various Watergate-connected investigations are concerned about the massive publicity caused by the almost daily disclosures on the scandals.

He closed his press conference at the Criminal Courts Building by stating:

"Due to problems of pre-trial publicity in criminal cases, I cannot elaborate on our investigation beyond this statement. We have approximately 2½ weeks to prepare our presentation for the grand jury. We have a lot of work to do.

"As you can understand, we will not be having future news conferences on this matter. The purpose of the news conference today was to clarify reports which have appeared in the press and to answer inquiries on the status and thrust of our investigation."

According to Busch, investigators have been checking into the Sept. 5, 1971, break-in at the office of Dr. John Langren, President Nixon's medical adviser. "They have not found anything of any significance and no indication whatsoever if there is any connection with the

(Mount Clipping in Space Below)

U.S. Reported Impeding DA's Investigation

BY WILLIAM FARR
Times Staff Writer

Federal authorities have been impeding Dist. Atty. Joseph Busch's investigation into the break-in at the office of Daniel Ellsberg's psychiatrist, sources close to the case said Monday.

Busch reportedly is dismayed at the U.S. Justice Department's delay in delivering certain FBI reports considered crucial to the investigation.

Richard Hecht, the prosecutor assigned by Busch to head the local investigation, is described by these sources as "fuming" over the procrastination on the reports and the fact that FBI agents have instructed some key witnesses not to discuss the case with Busch's men.

Came as Surprise

These problems apparently came as a surprise to Busch and his staff in view of assurances the district attorney had received earlier this month from Henry Peterson, who is supervising the Watergate scandal investigation for the Justice Department.

(Indicate page, name of newspaper, city and state.)

I-17 Los Angeles Times
Los Angeles, Calif.

Date: 5/29/73
Edition: Tuesday final
Author: William Farr
Editor: William F. Th
Title:

Character:
or
Classification:
Submitting Office: Los Angeles

After a meeting with Peterson in Washington, D.C., May 2, Busch told three Cubans who took part in the break-in while had promised full cooperation in the matter.

Spokesmen for the district attorney's office were not available over the holiday weekend to comment on the problem.

Kevin Maroney, one of Peterson's top aides in the Justice Department, when asked about these reports on lack of cooperation, said, "I really don't think there is any great difficulty. I talked with Mr. Busch a few days ago and I'll be talking to him again."

Had Been Problem

Maroney conceded there had been a problem regarding FBI agents telling witnesses not to submit to questioning by district attorney's investigators.

"There was some misunderstanding, but it is straightened out now. Any witness who was under the impression that the FBI did not want them talking to other investigators has now been told otherwise."

Among the witnesses reportedly told by the FBI to remain silent was the cleaning woman who saw several men entering the Beverly Hills office of Dr. Lewis J. Fielding with a suitcase on the date of the break-in, Sept. 3, 1971.

From her description, it is believed these were the three Cubans who took part in the break-in while former White House aides E. Howard Hunt and G. Gordon Liddy waited nearby.

Three to Testify

Bernard Barker, Eugenio Martinez and Felipe DeDiego, the three men who actually entered the office, have agreed to testify next week before the Los Angeles County Grand Jury.

DeDiego also has said he was directed by FBI agents to not discuss the matter with Dep. Dist. Atty. Stephen Trott when Trott flew to Miami to question him.

This was confirmed by Florida State Atty. Gen. Richard Gerstein.

"Because of a close relationship between DeDiego and one of my investigators, we were able to convince him to talk to Trott," Gerstein said.

Sources said that among the reports not yet delivered to the district attorney here are those of follow-up interviews with John Ehrlichman, the former domestic affairs adviser to President Nixon.

(Mount Clipping in Space Below)

Convinced Cox Not to Delay Break-in Inquiry, Busch Says

DA Returns From Trip to Washington, Reports Grand Jury Probe Will Remain Independent From Watergate

BY WILLIAM FARR

Dist. Atty. Joseph P. Busch said Friday he has convinced special Watergate prosecutor Archibald Cox there is no need to delay the Los Angeles County Grand Jury inquiry into the break-in at the office of Daniel Ellsberg's psychiatrist.

Busch made the statement on his return from a Washington, D.C., meeting with Cox. The district attorney was accompanied by Richard Echt, the prosecutor handling the Beverly Hills break-in investigation.

Asked about Cox's demand that he requested a delay in the grand jury inquiry here, Busch said:

"In our meeting today (Friday), Mr. Cox did not ask me to delay the proceedings because I convinced him there was no need to do so. When we talked on the phone Thursday, there was discussion of delay because he expressed concern about possible conflicts between our work and his.

"Cox asked about the scope of our investigation so as to determine the compatibility of our separate investigations."

The district attorney said he readily accepted Cox's invitation to confer on the case "because we certainly would not want to work at odds with him."

Busch said his investigation would remain "independent" from the federal efforts on the Watergate scandal. He said that cooperation between himself and Cox "should be mutually beneficial."

In a prepared statement released after his meeting with the Los Angeles officials, Cox said:

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 6/2/73

Edition: Saturday final

Author: William Farr

Editor: William F. Thornton

Title: MC LEK

Character:

or

Classification: 105-279520

Submitting Office: Los Angeles

"As a result of our meeting, Mr. Busch and I agreed that full cooperation would exist between the Los Angeles inquiry and the many investigations under way under the direction of the special prosecutor. No request was made by me to delay their proceedings."

The Times reported in its Friday editions that Cox planned to ask Busch to delay the local grand jury hearing. That account was based upon sources in Los Angeles and Washington and The Times stands behind the article.

Cox also mentioned in the statement that he had ordered the U.S. Bureau of Prisons to make the three key witnesses available for testimony before the grand jury in Los Angeles.

This action released the federal "hold" on the trio, removing the possibility that their scheduled grand jury appearances would be delayed.

The three witnesses are former

White House consultant J. Howard Hunt, who has admitted planning the Sept. 3, 1971, break-in at Dr. Lewis Fielding's office, and two of the men who actually entered the premises, Bernard L. Barker and Eugenio Martinez.

The three men, serving time in federal prison at Danbury, Conn., for breaking into the Democratic Party's Watergate headquarters, are tentatively due to testify Wednesday. All three have agreed to tell about their participation in the Beverly Hills incident in return for immunity from prosecution on the Fielding burglary. Busch plans to open four days of hearings on the break-in beginning Tuesday with Ellsberg and Dr. Fielding among the lead-off witnesses.

(Mount Clipping in Space Below)

Ehrlichman to Testify Here on Office Break-in

Busch Going After Nixon 'Higher-Ups,' Ellsberg Believes

BY WILLIAM FARR
Times Staff Writer

Former presidential adviser John D. Ehrlichman agreed Tuesday to testify before the Los Angeles County Grand Jury Friday in the inquiry into the break-in at the office of Daniel Ellsberg's psychiatrist.

Ehrlichman's agreement to appear here came just a few hours after Ellsberg told reporters he believes Dist. Atty. Joseph Busch "is going after higher-ups" among President Nixon's former aides involved in the burglary scheme.

It was after a noon meeting with Busch that Joseph Ball, a Long Beach lawyer representing Ehrlichman, disclosed that the former domestic affairs adviser to Mr. Nixon "will voluntarily come in to testify."

Ehrlichman's testimony could be crucial to the inquiry. In President Nixon's May 22 statement on the Watergate investigations, he disclosed that he had formed a special investigations unit within the White House staff and assigned supervision of the unit to Ehrlichman.

Hunt and Liddy were members of that unit, which came to be known as "the plumbers" because of their efforts to plug news leaks after publication of the Pentagon Papers.

Ehrlichman has maintained he did not know about the break-in at the Ellsberg office.

The 42-year-old Ellsberg was the first of 11 witnesses to testify Tuesday. He was before the panel for about a half hour.

Avoids Direct Comment

The defendant in the dismissed Pentagon Papers trial declined to comment specifically on his testimony but talked freely to newsmen regarding his views on the break-in at the office of his psychiatrist, Dr. Lewis J. Fielding over the Labor Day weekend of 1971.

Fielding was another key witness in Tuesday's hearing. He refused to say a single word to reporters as he walked into the 15th-floor hearing room at the downtown Criminal Courts Building.

Asked to comment on the local investigation, Ellsberg said:

"I'm glad to have another level of our government, not connected with the executive branch, exercising its responsibility to look into the matter. I think they fell down in closing the case—as solved, when, in fact, that was not true.

"Now they are living up to their responsibility to fully investigate violations of the law. I think that is impressive."

Ellsberg elaborated on his theory that the grand jury target will be "higher-ups" by pointing out "that immunity has been granted to almost everyone who actually participated in the burglary."

Hunt Given Immunity

This was in reference to Busch's agreement not to prosecute former White House consultant E. Howard Hunt, who has admitted planning the Fielding break-in along with convicted Watergate coconspirator G. Gordon Liddy, and the three Cubans who actually entered the building at 200 N. Bedford Ave.

Hunt and Liddy are scheduled to testify today.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 6/6/73
Edition: Wednesday morning
Author: William Farr
Editor: William F. Thornton
Title:

Character:
or
Classification:
Submitting Office: Los Angeles
☐ Being Investigated

Ellsberg told newsmen he thought the motive for the burglary was "to politically smear" Democratic Party presidential candidates.

"While I was not associated with any candidate," Ellsberg said, "I did have association with some persons who were connected with candidates."

He said Fielding's files on him did not contain "anything I would be ashamed of or want to hide."

He said, however, that he felt the content of his conversations with Fielding between March, 1968, and September, 1970, should not be revealed to the grand jury "because that would set a bad precedent for violating the doctor-patient relationship."

Despite statements by Hunt and others that the effort to find Ellsberg's files was unsuccessful, he thinks they "probably did" photograph his records.

"The records were there. They were disturbed . . . They were prominently in disarray," Ellsberg said.

He conceded that there "has been no indication that anything in the records was made public," then added, "besides, the records we know about would not have been very helpful to them."

In the afternoon portion of the hearing, Maria Juarez Martinez and her son, Efrain, told grand jurors about two men who asked to enter Fielding's office about 10 p.m. on Sept. 3, 1971, so they could leave a valise there.

Neither Mrs. Martinez, whose testimony had to be given through a Spanish interpreter, nor her son would comment on their testimony.

However, they obviously had given their version of what they observed that weekend while they were cleaning up the medical office building. Those accounts were contained in affidavits filed during the Pentagon Papers trial.

Mrs. Martinez said in the affidavit that she knew the two men who left the valise were "either Cuban or Puerto Rican by their manner of speaking."

"They were dressed in black pants and shirts and had black hats. They entered the office and put the valise on the floor near a table. They asked me what time I was leaving that night and I said that as soon as finished my work, I would leave. Then I locked the door; the two men took the elevator (down from the second floor) and I returned to the first floor.

She said in the affidavit that her son told her the next day that he discovered that Fielding's office had been broken into and had called the police.

Her affidavit also contains the following reference to another "strange" incident:

"I recall that five days before the burglary at 9 p.m. I found two men. I think they were Americans, in the office where the burglary later occurred. They were not the same men who came to bring the valise. One of the men, before I could ask, told me in Spanish, 'I am the doctor,' and when he said this I went on to another office to do my cleaning.

"The strange thing is that these men were taking pictures of the walls of the same office where the two men left the valise and where my son . . . discovered the burglary."

Charles Lugo, chief of security at the Beverly Hilton, also testified. Hunt and Liddy reportedly stayed at the hotel and watched Fielding's office through binoculars while the break-in was in progress.

(Mount Clipping in Space Below)

Ellsberg to Testify on Analyst Office Break-in

Former Pentagon Papers Defendant to Appear
at Opening Session of L.A. Grand Jury Inquiry

BY WILLIAM FARR
Times Staff Writer

Daniel Ellsberg conferred with the district attorney's office Monday preparatory to testifying today at the opening session of the Los Angeles County Grand Jury's investigation of the break-in at his psychiatrist's office.

The acquitted Pentagon Papers defendant met with Dep. Dist. Atty. Stephen Trott for more than an hour at the downtown Criminal Courts building.

Trott and Richard Hecht are the two prosecutors who will assist Dist. Atty. Joseph Busch in presentation of the case to the grand jury.

Busch imposed tight control Monday over information on the inquiry and issued a statement saying:

"Due to the secret nature of the grand jury proceedings, witnesses will not be announced in advance of their appearances and the district attorney and his assistants will not comment on the proceedings."

Four days of hearings have been scheduled before the grand jury to gather evidence on the effort to obtain Ellsberg's psychiatric files from the Beverly Hills office of Dr. Lewis F. Fielding over the Labor Day weekend of 1971.

In addition to Ellsberg, witnesses expected to testify at the opening hearing are Fielding and three persons who were cleaning the 450 N. Bedford Drive office the night of Sept. 3, 1971.

Tell of Suitcase Delivery

The cleanup workers told authorities about three men with Cuban accents who delivered a suitcase to Dr. Fielding's office at about 11 o'clock that night.

Based on testimony previously given by former White House consultant E. Howard Hunt to a Washington, D.C., grand jury, it is believed that these three men were Bernard L. Barker, Eugenio Martinez and Felipe DeDiego.

Hunt and the three Cubans, all of whom have received immunity from prosecution in return for their testimony, are scheduled to testify Wednesday.

Hunt, Barker and Martinez arrived at the Hall of Justice jail here Monday from the federal prison at Danbury, Conn., where they are serving time for breaking into the Democratic Party's Watergate headquarters. DeDiego, a Miami resident, also was flown here to testify.

Hunt's earlier grand jury testimony in Washington revealed that he and fellow Watergate conspirator G. Gordon Liddy planned the break-in at Dr. Fielding's office and that

(Indicate page, name of newspaper, city and state.)

II-1. Los Angeles Times
Los Angeles, Calif.

Date: 6/5/73
Edition: Tuesday morning
Author: William Farr
Editor: William F. Thom
Title:

Character:
or

Classification:
Submitting Office Los Angeles

☐ Being Investigated

the three Cubans actually entered the office.

Two other key witnesses who have said they would testify without a promise of immunity are Egil (Bud) Krogh, who was the top aide to former Presidential domestic affairs adviser John D. Ehrlichman, and Charles Colson, one-time special counsel for the White House.

Krogh, in a letter sent to President Nixon early last month, said it was his "overriding desire to accept full responsibility" for the effort to burglarize Ellsberg's psychiatric files.

According to a statement given by Colson to FBI agents, he was told by Ehrlichman that the Beverly Hills break-in was a "national security matter" and was instructed "not to discuss it with anyone."

Colson said he received a similar warning from John Dean, the White House special counsel fired April 30 by Nixon.

Hecht is still negotiating for the appearance of several other witnesses, including Ehrlichman, Dean and David Young, a former National Security Agency official who was on the special investigations unit formed by President Nixon to track down news leaks after publication of the Pentagon Papers.

Claims Ignorance

The President revealed in a May 22 statement that he had formed this special unit and that it was placed under the supervision of Ehrlichman.

Ehrlichman has maintained that he did not learn of the Fielding break-in until after it occurred and that he told those involved "not to do that again."

Krogh was put in charge of the unit, according to Mr. Nixon's statement, and Young was named to the group along with Hunt and Liddy.

It was learned from sources close to the case that the district attorney's staff has deemed there is no need to take testimony from former FBI Director L. Patrick Gray because he has no direct, relevant knowledge of the break-in.

Marine Corps commandant Robert E. Cushman Jr., former deputy director of the CIA, appeared for a half hour before the grand jury last Tuesday.

He was allowed to testify earlier than scheduled to allow him to keep various military commitments.

Cushman told the grand jurors he authorized the use of CIA equipment and disguises by Hunt at the urging of Ehrlichman, and did not learn until recently that these had been used in connection with the break-in.

(Mount Clipping in Space Below)

Four Participants in Office Break-in Say Mission Failed

BY WILLIAM FARR

Times Staff Writer

Four participants in the scheme to burglarize a Beverly Hills psychiatrist's office for Daniel Ellsberg's file told the Los Angeles County Grand Jury Wednesday that their mission failed.

Sources close to the case said the failure was admitted by former White House consultant E. Howard Hunt and the three Cubans who actually entered Dr. Lewis J. Fielding's office—Bernard Barker, Eugenio Martinez and Felipe DeDiero.

Dist. Atty. Joseph P. Busch, who is personally presenting the case to the grand jury, also revealed these two developments in the inquiry into the 1971 Labor Day weekend break-in:

—Wednesday's grand jury session focused on Elmer Davis, who Beverly Hills police said confessed to the burglary. Jail records have revealed Davis could not have committed the burglary since he was in jail at the time.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 6/7/73
Edition: Thursday morning
Author: William Farr
Editor: William F. Thomas
Title:

Character:
or
Classification:
Submitting Office Los Angeles
☐ Being Investigated

Second Thoughts Reported

Ngil (Bud) Krogh, former top aide to presidential adviser Joan D. Ehrlichman, is apparently having second thoughts about his agreement to testify here even though he told President Nixon he will "accept full responsibility" for authorizing the burglary.

"Krogh has gotten a new attorney and we are still negotiating with him," Busch said. The district attorney would not comment further on the matter.

Hunt, Barker and Martinez were before the grand jury for a total of about four hours after being whisked from the jail atop the Hall of Justice across the street to the Criminal Courts Building where the hearing was convened on the 13th floor.

One of the federal marshals transporting the trio sped out of the Hall of Justice parking area at such a high rate of speed he nearly ran down newsmen.

DeDiego, a Miami real estate man, appeared briefly before the grand jury and left the building. He is not in custody.

The other three were brought here from Danbury, Conn., where they are serving prison terms for break-

ing into the Democratic Party headquarters at Watergate.

It was Hunt's earlier testimony before a federal grand jury in Washington, D.C., that first revealed the burglary scheme.

That testimony was made public after it was turned over to U.S. Dist. Judge Matt Byrne, who was presiding over the subsequently dismissed Pentagon Papers trial.

Hunt said he and convicted Watergate coconspirator G. Gordon Liddy planned the burglary, that he (Hunt) recruited Barker, Martinez and DeDiego to enter the premises.

According to Hunt, he watched Fiddling's office through binoculars from a room in the Beverly Hilton while the effort to find Ellsberg's files was made.

All four of the men who testified have been granted immunity from prosecution for the break-in in return for their testimony.

Busch said today's witnesses will include Davis and W. L. Franklin, a Beverly Hills detective to whom Davis reportedly confessed the burglary.

Davis, who now claims he did not make such a confession, was brought here from Folsom Prison where he is serving a sentence on an unrelated parole violation.

Other witnesses scheduled to appear today are Tyrone Fikes, a cellmate of Davis' at the time he allegedly confessed; handwriting expert Donn Mirc; Beverly Hills policeman Bruce Campbell; Dep. Dist. Atty. Roger Gunson and Richard Kalustian; and district attorney's investigators William Burnett and Jack Gotch.

(Mount Clipping in Space Below)

Krogh Now Unwilling to Testify in Break-in Case, Busch Says

BY WILLIAM FARR

Times Staff Writer

Egil (Bud) Krogh, who has told President Nixon he intended to take "full responsibility" for the burglary scheme to obtain Daniel Ellsberg's psychiatric files, has backed out of his agreement to testify before the Los Angeles County Grand Jury, Dist. Atty. Joseph Busch said Thursday.

The disclosure concerning the former White House aide came on the eve of today's scheduled grand jury appearance by Krogh's former boss, John D. Ehrlichman.

Ehrlichman, Mr. Nixon's former domestic affairs adviser, and Charles Colson, former White House special counsel, are to be the star witnesses today as the grand jury winds up four days of hearings on the break-in at the office of Dr. Lewis J. Fielding.

Both Ehrlichman and Colson have told FBI agents they did not know about the burglary until after it occurred.

Krogh's agreement to testify here came early last month at a Washington, D.C., meeting between his then attorney, William Treadwell, and Dep. Dist. Atty. Richard Hecht, the prosecutor Busch put in charge of the local investigation.

Treadwell also provided Hecht with a seven-page, 53-point statement from Krogh on his knowledge about the break-in, which occurred during the 1971 Labor Day weekend.

In that statement, Krogh said that "general authorization for covert activity" to obtain Ellsberg's psychological history was given by Ehrlichman.

Please Turn to Page 23, Col. 1



CALLED TO TESTIFY—Elmer Davis, a Folsom inmate, being taken to grand jury hearing.

Times photo

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 6/8/73
Edition: Friday morning
Author: William Farr
Editor: William F. Thomas
Title:

Character:

or

Classification:

Submitting Office: Los Angeles

☐ Being Investigated

BREAK-IN INQUIRY

Continued from Third Page

Krogh. In that statement, also admitted that he "agreed to the mission with the understanding that (L. Howard) Hunt and (G. Gordon) Liddy would obtain the services of certain Cubans to accomplish the mission."

(Hunt and the three Cubans who broke into Fielding's office testified earlier in the hearings that they failed to obtain Ellsberg's files.)

Stephen Shulman, a Washington, D.C., lawyer who has replaced Treadwell as Krogh's attorney, said he had advised Krogh not to testify because he probably was the main target of the investigation here.

Asked if there was any chance that Krogh might still testify here without being ordered to do so under subpoena, Shulman said, "That is possible."

Busch said he certainly did not intend to "drop our efforts to get Krogh here" but added he had not yet decided to issue a subpoena.

Busch also said Krogh's statement was notarized and under oath and therefore could be entered into evidence before the grand jury.

In a letter sent to Mr. Nixon when he resigned from his \$12,500 post as undersecretary of transportation, Krogh said it was his "overriding desire to accept responsibility" for the burglary scheme.

The Thursday grand jury session dealt almost entirely with Mark Davis, who Beverly Hills police claimed confessed to the break-in.

at Folsom Prison on an unadmitted parole violation, maintained to grand jurors that he never made such a confession.

County jail records show that Davis could not have been involved in the break-in because he was in custody on a petty theft sentence from Aug. 25 to Sept. 5 of that year.

Davis actually was not released until Sept. 9, 1971, because of a "hold" put on him by state parole agents.

One of the 10 witnesses who testified Thursday was W. L. Franklin, the Beverly Hills detective who declared the burglary cases solved after Davis supposedly confessed to him.

Franklin and other Beverly Hills policemen who testified said they had absolutely no knowledge that the break-in was committed by persons connected with the White House until that fact was revealed during the Pentagon Papers trial.

Davis reportedly confessed to the Sept. 3, 1971, incident at Fielding's office after he was arrested the following Oct. 7 as a suspect in a Wilshire Blvd. dress shop burglary.

Beverly Hills Police Chief B. L. Cork had conceded that no thorough records check was made by his department to determine whether Davis was in jail during the break-in.

However, Cork said there was no reason to make such a check "because we only had Davis's word that he had committed the break-in and, therefore, we could not have possibly checked."

Twenty-seven witnesses have been called to date in the break-in inquiry, which will adjourn today until arrangements can be made to take testimony from Krogh and several others. No indictments are expected immediately.

(Mount Clipping in Space Below)

Ehrlichman Again Puts Blame on Dean for Watergate Coverup

Former presidential adviser John D. Ehrlichman again blamed fired presidential counsel John W. Dean III for the Watergate coverup—and then ended a press conference here Friday before he could be asked about the burglary scheme to obtain Daniel Ellsberg's psychiatric files.

Ehrlichman met with newsmen for only four minutes after testifying for nearly two hours before the Los Angeles County Grand Jury in its inquiry into the break-in at the office of Ellsberg's psychiatrist.

Following Ehrlichman's abrupt departure, Dist. Atty. Joseph Busch announced that he would start proceedings Monday to subpoena Ehrlichman's former top aide, Egil (Bud) Krogh.

Busch said that he had ordered the issuance of a subpoena to bring Krogh here from Washington, D.C., because negotiations for his voluntary appearance "have broken down."

Krogh volunteered a month ago to appear before the grand jury here. But his new attorney, Stephen Shulman, said he had instructed Krogh not to testify because he was the "main target" of the investigation.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

Date: 6/9/73
Edition: Saturday final
Author: William Farr
Editor: William F. Thomas
Title:

Character:
or
Classification:
Submitting Office: Los Angeles
☐ Being Investigated

Instruction From Helen

On the question of whether Dean schemed, the grand jury conducted a full investi-

the grand jury, FBI officials said that he authorized the "mission," which involved breaking into Dr. Lewis J. Fielding's office during the 1971 Labor Day weekend.

Ellsberg's psychological profile.

"I have said in all good faith that I was paying on my Dean's account, and I think you have to

President Nixon. He, too, has denied any prior knowledge of the burglary scheme.

prohibited him from discussing his testimony. about an affidavit made public earlier this week by another former to

the information I gave to the FBI, which was covered in a report released by the judge in the Pentagon Papers trial."

the break-in a national security matter," and instructed him "not to discuss it with anyone."

Democratic National Com- After Dean's appearance, the local grand jury investigation temporarily Watergate bugging.

In that sworn testimony, adjourned after hearing Haldeman said that Mr. testimony from a total of Nixon had not really 26 witnesses in four days asked Dean for a full re-this week.

port on the Watergate af- The hearings will resume as soon as Krogh can

Ehrlichman responded he brought to testify. to questions on Dean's re- "This could take a week or port by saying: two," Busch said.

"Some people think that The district attorney a report must be typewrit- said he was still negotiating, double-spaced and on ing for the appearance of mimeographed paper. This has David Young, the former led to a lot of confusion. National Security Agency But there were a whole set of employees who was on the ries of reports to Mr. Nix- White House's special in- on from Mr. Dean, and vestigations unit. there were repeated assurances of no White House personnel involvement."

Ehrlichman said that "at certain points in time" he and Haldeman were the "principal conduits" of information to the President regarding the Watergate scandal.

But he said that during other periods "a great deal of information" went to Mr. Nixon directly from Dean. Ehrlichman did not say what periods of time were involved in either case.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 6/4/73

FROM : Mr. E. S. Miller

SUBJECT: ON-GOING INVESTIGATIONS INVOLVING
WATERGATE, ELLSBERG, AND RELATED MATTERS

Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller, E.S. ☒
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Baise ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conny ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Horan ☐

Memorandum Mr. Walters to Mr. Felt 5/31/73 requested the Intelligence Division set forth current status of any on-going investigation and inquiry dealing with dissemination of FBI material to Hunt and Liddy by the Internal Security Division and [REDACTED]

These were items 1 and 4 in Mr. Eardley's memorandum to Mr. Cox dated 5/31/73 and are the only items being handled by the Intelligence Division.

Information regarding these matters has been compiled and is being set forth in suitable memoranda which, when completed, will be sent forward.

Memorandum 6/1/73, Mr. Miller to Mr. Felt captioned "Daniel Ellsberg" set forth results of conference that same date with Special Prosecutor Archibald Cox and his assistant, Thomas McBride. Approval was requested therein to send instructions to the field for the purpose of developing information concerning the handling of Ellsberg case material by Departmental officials. It will be necessary to interview Departmental officials to secure answers to the question Mr. Eardley raised relating to dissemination of FBI material to Hunt and Liddy by the Internal Security Division. Upon approval, we will conduct the necessary interviews of Departmental officials to be in a position to respond in full to Mr. Eardley's question.

ACTION:

For information.

- 1 - Mr. Eardley
- 1 - Mr. Mintz
- 1 - Mr. Gebhardt
- 1 - Mr. Miller
- 1 - Mr. Wannall
- 1 - Mr. Wagoner

OK
under

65-94060-58

NOT RECORDED

48 JUN 15 1973

12 JUN 11 1973

WRW:mah 5/31/73

(7)

47
70 MAR 2 1976

ORIGINAL FILED IN

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: 5/31/73

FROM : L. M. WALTERS *lmw*

SUBJECT: ON-GOING INVESTIGATIONS INVOLVING
WATERGATE, ELLSBERG, AND RELATED
MATTERS *on ltr*

JW
Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

Attached hereto is copy of [redacted] memorandum to Mr. Cox summarizing present on-going investigations as understood by [redacted] General Investigative Division, Intelligence Division, Office of Legal Counsel, and Inspection Division should promptly advise status of each of these items and clearly state whether, in fact, such investigations are now underway. In addition, each of the foregoing Divisions should add other matters or topics which are the subject of on-going investigation in order that [redacted] can brief Mr. Cox concerning them.

- 1 - Mr. Miller
 - 1 - Mr. Gebhardt
 - 1 - Mr. Mintz
 - 1 - Mr. O'Connor
- [redacted]

LMW:wmj
(7)

REC-79

10 JUN 15 1973

NOT RECORDED

46 JUN 19 1973

*memo Long to Gebhardt
CAN/iam 6/7/73*

84 JUN 19 1973

Mr. Archibald Cox

May 31, 1973

[REDACTED]

Herewith is a summary of the investigations
which are ongoing:

1) Dissemination of the FBI material to Hunt
and Liddy by the Internal Security Division.

5

[REDACTED]

In addition:

[REDACTED]

[REDACTED]

ENCLOSURE

Airtel

6/15/73

1 - Mr. Carl Eardley
1 - Mr. R. E. Gebhardt
1 - Mr. E. S. Miller
1 - Mr. J. R. Wagoner

To: SAC, WFO (65-11613)

From: Acting Director, FBI (65-74060)

U.S. VS ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG

Reference is made to conference on 6/14/73 between representatives of FBIHQ and WFO. Reference is also made to WFO LHM dated 6/12/73 setting forth results of interview of Assistant Attorney General (AAG) Henry E. Petersen on 6/11/73.

Enclosed is one copy of Departmental memorandum dated 6/8/73 from AAG, Criminal Division, requesting specific investigation in captioned matter which is self-explanatory.

The requests in the above-mentioned Departmental memorandum, together with requests received by Bureau from Special Prosecutor Archibald Cox, relative to the Ellsberg case as of this time fall into three areas of investigation, namely

(1) A detailed determination of the sequence of events which transpired subsequent to the Department's receipt of the allegation that the office of Daniel Ellsberg's psychiatrist had been burglarized. The objective of the investigation is to determine the extent and reason for any delay in the transmission of this information to the U.S. District Court in Los Angeles.

(2) The identification of those individuals connected with the Central Intelligence Agency (CIA) who lent support to the alleged activities of G. Gordon Liddy and E. Howard Hunt in

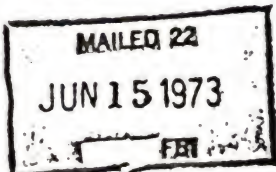
Enclosure

JRW:mlr
(7) *mlr*

EX-109

SEE NOTE PAGE THREE

REC-16 *5-14-60-4411*



10 JUN 18 1973

ROUTE IN ENVELOPE

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conny _____
Mr. Mintz _____
Mr. Egan _____
Mr. Gandy _____

34 JUN 21 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

JRW

Airtel to SAC, WFO
Re: U.S. VS ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG
65-74060

connection with the burglary and the identification and interview of the person or persons in the Department of Justice who may have received films and possibly a camera belonging to the CIA used in connection with the burglary. The objective of this investigation is to determine if sufficient evidence exists which would form the basis for prosecution under Title 18, USC, Section 641, showing Liddy and Hunt converted Government property to their own use or to the use of another without authority. In addition, the Conspiracy Statute, Title 18, USC, Section 371, may have also been violated by persons in addition to Hunt and Liddy in connection with the authorization and planning of the break-in.

(3) Inventories of the material obtained from the office of Hunt revealed specific FBI material relative to the Ellsberg investigation. While the manner in which Hunt came into possession of this material is unknown, it is suspected that the material was transmitted to The White House by the Department of Justice. As you are aware, weekly summaries of the Ellsberg investigation in memorandum form were transmitted to H. R. Haldeman and Egil Krogh, at The White House, and copies were furnished the Attorney General, Deputy Attorney General, and AAG of the Internal Security Division (ISD) advising that Haldeman and Krogh had received the summaries. This procedure negated the necessity of the furnishing of raw FBI material to The White House which was apparently done.

As a matter of information, all pertinent results of the Ellsberg investigation were disseminated by FBIHQ to ISD. Copies of investigative reports, letterhead memoranda, and teletypes with administrative data deleted were hand carried to ISD and turned over to Mr. John Martin, Chief of the Analysis and Evaluation Section. Martin was assigned on a full-time basis to the Ellsberg case working under the supervision of the AAG, ISD.

In an effort to determine how raw FBI material came into Hunt's possession, you are instructed to determine the following from interviews of logical officials and employees of the Department of Justice:

- (1) Was it the practice of Internal Security personnel to initial incoming FBI documents?
- (2) Has ISD retained all of the FBI documents transmitted and, in particular, does ISD have copies of the documents found in Hunt's office?

Airtel to SAC, WFO
Re: U.S. VS ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG
65-74060

(3) Did ISD disseminate any FBI documents outside the Department and, if so, were copies made to facilitate this dissemination? To whom were they disseminated, and was a record kept of the dissemination?

(4) Specifically, did ISD furnish any FBI material to Hunt or Liddy and, if so, who authorized the dissemination, who made the dissemination, and in what manner was the material delivered? Was a record kept of such transmittals?

(5) Specifically, whether Departmental officials or employees are aware that former AAG Robert C. Mardian delivered or authorized the delivery of any FBI information or material (not limited to the Ellsberg case) to the so-called special unit at The White House commonly referred to as the "plumbers."

In regard to item #1, you should reinterview AAG Petersen in an attempt to clarify and obtain his impression of what he thought the President meant after being informed of the burglary when he stated "That is a national security matter and I know about it." In an effort to corroborate the information furnished by Mr. Petersen, you are authorized to interview Deputy Assistant Attorney General Kevin T. Maroney, former Attorney General Kleindienst, and the Solicitor General.

Results of your investigation and interviews in the above-mentioned three areas should be submitted in separate communications, and when necessary, recorded on three separate FD-302s, one for each of the three areas of investigation.

NOTE:

Investigation required for item #1 was requested by Special Prosecutor Archibald Cox by letter dated 5/30/73.

Investigation required for item #2 was requested by Departmental memorandum dated 6/8/73 from AAG, Criminal Division. We advised Mr. Cox of the receipt of this request and that results would be furnished to him as well as the Department.

Investigation required for item #3 was requested by the Acting Director by memorandum dated 5/22/73 as well as some portions of which were requested by Mr. Cox by letter dated 5/30/73. The Acting Director has approved all of the interviews required to pursue these matters.